

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4272 OF 2016

Alarakkha Moiuddin Quereshi. ..Petitioner.

Versus

State of Maharashtra & Another. ..Respondents.

Ms. Vrishali Raje for the Petitioner.

Mrs. A. S. Pai, APP for the State.

Coram : Ranjit More &
Dr. Shalini Phansalkar-Joshi, JJ.

Date : **January 19, 2017.**

P. C. :

1. Heard Ms. Raje, learned Counsel appearing for the Petitioner and Mrs. Pai, learned APP for the State. This writ petition was placed before us for admission on 16th January 2017. After hearing learned Counsel appearing for the Petitioner and learned APP for the State, we granted rule and interim relief by speaking order. Thereafter it was pointed out to us that the Petitioner has approached this Court directly without resorting to the remedy of appeal under section 60 of the Maharashtra Police Act. In these circumstances, we directed the Registry to place this matter on board today.

2. Learned Counsel appearing for the Petitioner does not dispute that petition is filed challenging the order passed by the Competent Authority under section 56 of the Act. She also does not dispute that the said order is appealable under section

60 of the Act. However, this fact inadvertently slipped from our mind when we passed the order dated 16th January 2017. In that view of the matter, we recall the order dated 16th January 2017.

3. Since the Petitioner has an alternate remedy, we refuse to exercise our jurisdiction under Article 226 of the Constitution of India. Writ petition is dismissed. The Petitioner is at liberty to exhaust the remedy of appeal under section 60 of the Act.

4. At this stage, it was brought to our notice that period of limitation for filing an appeal, which is 30 days, has already expired. Since the Petitioner was prosecuting the matter before this Court, we direct the appellate authority to entertain the appeal that would be filed by the Petitioner and dispose of the same on merits. In the event the Petitioner files such an appeal within two weeks from today, the appellate authority shall dispose of the same as expeditiously as possible and at any rate within the period of four weeks from the date of filing of appeal.

[Dr. Shalini Phansalkar-Joshi, J.]

[RANJIT MORE, J.]