

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1632 OF 2018**

Umer Altaf Mujawar & Ors

..Petitioners

Vs.

The State of Maharashtra & Ors

..Respondents

Mr. V. D. Patil i/b Mr. S. R. Karpe for the Petitioners

Mrs. P. P. Shinde APP for the Respondent State

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL,JJ**

DATE : 10th APRIL, 2018

P.C.

1 The rejection of the stay application by the Appellate Authority i.e. the Divisional Commissioner, Pune Division, Pune by the impugned order dated 15-3-2018 has prompted the Petitioners to approach this Court by way of the above Writ Petition.

2 On behalf of the Petitioners the Learned Counsel Mr. Patil sought to raise various contentions as regards the impugned order amongst which was the contention that the observations made in the impugned order are contrary to the observations made in the order passed by the Externing Authority. It was also the submission of the Learned Counsel that the order passed by the Externing Authority goes beyond the show cause notice.

3 In our view, it is not necessary to consider the contentions sought to be raised by the Learned Counsel for the Petitioner, in view of the fact that the Appeal filed by the Petitioners is pending before the Divisional Commissioner, Pune Division, Pune. The Learned APP Mrs. Shinde states that on the retirement of the incumbent Divisional Commissioner Pune, the charge of the office of the Divisional Commissioner Pune is with the Collector Pune, who would hear the Appeal in question within the time that would be stipulated by this Court. We therefore direct the Collector, Pune who is holding the charge of the office of the Divisional Commissioner to hear and decide the Appeal filed by the Petitioner latest by 24-4-2018. Needless to state that the Appeal would be heard and decided on its own merits and in accordance with law.

4 The instant directions would also equally apply in the event a regular Divisional Commissioner is appointed in the interregnum.

5 The above Writ Petition is accordingly disposed of.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]