

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1863 OF 2018

Ram Balbhim Kadam and ors. : Petitioners
versus
Sub-Divisional Police Officer
Akkalkot Division, Akkalkot
Solapur and ors. : Respondents.

Mr. M A Choudhari a/w Ms.Kanchan Pawar for the Petitioners.
Mr. A.B Vagyani, GP a/w Mrs.S.V.Sonawane, APP for the Respondent/State.

CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE : 20th APRIL 2018

P.C.

1 The writ jurisdiction of this Court is invoked in view of the fact that the stay application filed by the Petitioners is not being heard by the Appellate Authority.

2 In so far as the Appellate Authority is concerned, the incumbent of the said office i.e. the Divisional Commissioner, Pune Division, Pune has superannuated on 31/03/2018 and presently the charge is with Shri Saurabh Rao who has recently been appointed as the Commissioner of the Municipal Corporation of Pune.

3 We therefore direct Shri Saurabh Rao, the Commissioner of the Municipal Corporation of Pune to decide the stay application of the Petitioners

within two weeks from date i.e. on or before 04/05/2018. It would also be open for him to decide the Appeal itself if he so chooses.

4 In view of the pendency of the Appeal we decline to consider the submissions of the learned counsel for the Petitioners on merits. It would be open for the Petitioners to urge the said contentions before the Appellate Authority.

5 With the directions as aforesaid, the above Writ Petition is disposed of.

6 All concerned parties to act upon an ordinary copy of the instant order duly authenticated by the Court Associates/Sheristedar.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]