

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.1039 of 2017

(Rakesh s/o. Ramkrishna Maraskolhe .vs. The Deputy Commissioner of Police, Zone-1, Nagpur and another)

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mr.Rajnish Vyas, Advocate for the petitioner.
Mr.M.J.Khan, A.P.P. for the respondents.

CORAM : R. K. DESHPANDE &
 M. G. GIRATKAR, JJ.

DATE : 12.2.2018.

Heard.

There is a statutory appeal provided under Section 60 of the Bombay Police Act and the Appellate Authority has wide powers to conduct further inquiry in the order and modify the order even if it is found that the order impugned suffers from non-application of mind. In view of this, we do not find any reason to entertain the present Writ Petition and the petitioner can be left with an option of exhausting the remedy under Section 60 of the said Act.

The petition is, therefore, dismissed on the ground of existence of alternate remedy by way of filing appeal under Section 60 of the Bombay Police Act. All the questions are left open to be agitated.

The delay is caused because of pendency of this

Writ Petition from 7th November, 2011 till this date and therefore, the said period shall be excluded by the Authority while counting the period of limitation. If such an appeal is preferred, the same shall be decided within a period of two months from the date of filing of the appeal.

No order as to costs.

JUDGE

JUDGE

**jaiswal*