

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.549 OF 2019

Sham @ Anna Narayan Gawali,
Age 32 years, Occu. Business,
R/o Takali, Tal. Chalisgaon, Dist. Jalgaon,
Presently at C/o Manojising Kisan Gawali,
Azad Nagar, Behind Manohar Talkies,
Dhule, Tal. & Dist. Dhule.

... **Petitioner.**

Versus

1. The State of Maharashtra,
Through Secretary,
Home Department,
Mantralaya, Mumbai - 32.
2. The Chalisgaon City Police Station
Chalisgaon, Tal. Chalisgaon,
District Jalgaon
Through Police Station Officer / Inspector.
3. Sub Divisional Magistrate,
Chalisgaon Division Chalisgaon,
District Jalgaon.
4. Divisional Commissioner, Nashik.
Division Nashik, Dist. Nashik.

... **Respondents.**

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Mr. S.P.Brahme, Advocate for Petitioner.
Mr. S.J.Salgare, APP for Respondents-State.

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**CORAM : T.V.NALAWADE AND
MANGESH S. PATIL, JJ.**

DATE : 05.04.2019

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2. The petitioner has challenged the order made by the Divisional Commissioner, Nashik in Externment Appeal filed by the present petitioner. The Sub Divisional Magistrate has made the order of externment for the period of three months against the petitioner. The same order came to be executed on 15.03.2019. In the appeal filed before the Divisional Commissioner, a stay application was moved and on that stay application it appears that stay is refused and the appeal itself is kept for hearing on 21.05.2019. If the appeal is heard on 21.05.2019 apparently no relief can be obtained by the petitioner as the period given for externment will be over by that time. It will be in directly denial of the right of appeal in favour of the petitioner. In view of these circumstances, this Court hereby directs the respondent, Divisional Commissioner to decide the appeal of the present petitioner within 15 days from today. Authenticated copy to both the sides.

3. Rule is made absolute in those terms.

4. The learned counsel appointed by the petitioner needs to appear before the Commissioner on 09.04.2019.

(MANGESH S. PATIL, J.)

(T.V.NALAWADE, J.)

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vmk/-