

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1160 of 2019

Shri Suresh Chimya Shantaram NikaljePetitioner
versus
The State of Maharashtra and ors.Respondents

Mr. Rahul S. Kadam, advocate for the petitioner.
Mr. S. R. Shinde, APP for the State.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 29th MARCH, 2019.

P. C. :

Heard Mr. Kadam, learned counsel for the petitioner and
Mr. Shinde, learned APP for the State.

2. The petitioner has been externed under the provisions of Section 56 (1) (a) and (b) of the Maharashtra Police Act for a period of two years from the jurisdiction of Pune District by an order dated 29th January, 2019. The petitioner has challenged this order by filing an appeal under Section 60 of the Maharashtra Police Act before the Divisional Commissioner, Pune, on 5th February, 2019. The grievance of the petitioner is that the said appeal is pending since last two months and despite repeated requests, the appeal has not been decided.

3. Mr. Kadam, learned counsel for the petitioner, invited our attention to the impugned order and submitted that the same is required to be quashed and set-aside only on the short ground that no notice was given to the petitioner in respect of the 3 offences viz Cr. Nos. 7 of 18, 3 of 18 and 2 of 18 registered with Pimpri-Chinchwad Police Station which are taken into considered while externing the petitioner.

4. Mr. Shinde, learned APP, on instructions, makes a statement that the petitioner's appeal is scheduled to come for hearing before the Divisional Commissioner on 30th April, 2019. He, however, submitted that in view of the objection raised the petitioner, the said appeal would be decided finally within a period of two weeks from today. The statement is accepted.

5. In the light of the statement of the learned APP, we are not inclined to go into the merits of the matter. We dispose of the petition with directions to the appellate authority to decide the petitioner appeal under Section 60 of the Maharashtra Police Act, (a copy of which is annexed at page 46) as expeditiously as possible and, in any case, within a period of two weeks from the date of receipt of this order. Ordered accordingly.

6. It is made clear that this order should not be construed as expression of any opinion on merits of the matter and all rights and contentions of the respective parties are kept expressly open. In order to enable the Divisional Commissioner to comply this order, the petitioner shall remain present before him on 2nd April, 2019, at 11.00 am. along with the copy of this order and copy of the said appeal.

7. The writ petition stands disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]