

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

CRIMINAL WRIT PETITION NO.535 OF 2019

(PRAVIN MANGAL KATARE...VS.. SUPERINTENDENT OF POLICE, BHADRAWATI & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Vikrant Vishwarupe, Adv. h/f. Shri R.R.Vyas, Adv, for Petitioner.
Shri S.S.Doifode, A.P.P. for Respondents/State.

CORAM : Z.A.HAQ AND
M.G.GIRATKAR, JJ.

DATED : NOVEMBER 18, 2019.

Learned A.P.P. objected to the petition on the ground that the impugned order is appealable under Section 60 of the Maharashtra Police Act pointing out that now the appellate powers are delegated to the Divisional Commissioner and therefore, the remedy is efficacious.

The learned Advocate for the petitioner relied on the judgment given by Division Bench of this Court in the case of *Umar Vs. K.P. Gaikwad*, reported in **1988 Mh.L.J. 1034** to urge that in spite of availability of the alternate remedy, the petitioner can approach this Court directly as fundamental rights of the petitioner are infringed by imposing restrictions on the movement of the petitioner.

At the time when the above referred judgment was delivered, the appellate powers were with the State Government and it was noticed that the appeals were not decided by the State Government for a considerable time. Now, in 2018 the appellate powers are delegated to the

Divisional Commissioner and therefore, in our view, the alternate remedy is efficacious. Hence, we are not inclined to entertain the petition.

The petition is **dismissed** with liberty to the petitioner to avail alternate remedy, if so advised.

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