

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

CRIMINAL WRIT PETITION NO. 660 OF 2019

(Rajesh alias Khanna S/o Prabhu Barve

Vs.

State of Maharashtra, Thr. Its Secretary, Home Department, Mantralalya,
Mumbai & Ors.)

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

Court's or Judge's orders

Shri V.S. Mishra, Advocate for the Petitioner
Shri T.A. Mirza, Addl. P.P. for the Respondents

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

DATED : 11th December, 2019.

Learned APP pointed out that the impugned order externing the petitioner for two years is appealable as per Section 60 of the Maharashtra Police Act, and now the appeal is provided before the Divisional Commissioner. It is submitted that alternate statutory remedy is now efficacious also.

2. Though learned Advocate for the petitioner submitted that as there is violation of fundamental rights of the petitioner, this petition should be considered and decided on merits. Academically, the submission is appealing, however, in the facts of the present case, we find that the impugned order dated 25th February, 2019 is challenged in this petition on 31st July, 2019 i.e. after more than five months and a week.

3. In the facts of the case, we are not inclined to entertain this petition. The petitioner will be at liberty to avail alternate statutory remedy as stated above, if so advised.

4. With liberty to the petitioner as recorded above, the petition is **disposed**. No costs.

JUDGE

JUDGE

SD. Bhimte