

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 1931 OF 2021

Ramzan Sadruddin ManiharPetitioner

Versus

The State of Maharashtra and anr.Respondents

with

WRIT PETITION NO. 1938 OF 2021

Badruddin S. ManiharPetitioner

Versus

The State of Maharashtra and anr.Respondents

Mr. Prashant Pandey along with Ashray Dave and Mr.Aiqan Memon,
advocates for the petitioner in both the petitions.
Mr. K. V. Saste, APP for the State.

**CORAM : PRASANNA B. VARALE &
N. R. BORKAR, JJ.**

**DATE : 11th MAY, 2021.
(Vacation Court)**

P.C. :

1. Both the petitions filed at the instance of the petitioner, who are brothers inter se, challenge the order dated 23rd March, 2021 passed by respondent No.2 – Deputy Commissioner of Police, Zone -VIII, whereby the petitioners are externed from the area of Greater Bombay Police Commissionerate , New Bombay and Thane District for a period of two years.

2. Learned counsel for the petitioners fairly submitted before this Court that while the petitions were filed in this Court, the remedy of appeal before the competent appellate authority was not exhausted but, after

filing of the petitions, the petitioners have filed their respective appeal before the appellate authority bearing appeal Nos.38 and 42 of 2021.

3. Considering this very fact that there is an efficacious alternative remedy available to the petitioners to challenge the order of externment before the competent authority i.e. appellate authority, we deem it appropriate to dispose of the petitions with directions to the appellate authority to hear and decide the appeals filed at the instance of the petitioners/appellants as early as possible and not later than eight weeks from the date of the order of this Court. Needless to state that by following the due procedure viz. if the procedure includes the opportunity of hearing the petitioners, such an opportunity of hearing be granted to the petitioners.

4. It is submitted by learned counsel for the petitioners that along with appeals, applications for grant of stay is also submitted before the appellate authority. If such applications are received by the appellate authority, the appellate authority shall decide those applications expeditiously and not later than four weeks from the date of the order of this Court.

5. In the light of the above order, the petitions stands disposed of.

(N. R. BORKAR, J.)

(PRASANNA B. VARALE, J.)