

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.202 OF 2021

Amin Jindawali Pathan

: Petitioner.

Versus

The State of Maharashtra and ors.

: Respondents.

Mr. Ramji T Khoti for the Petitioner.

Mr. V B Konde-Deshmukh, APP for the Respondent/State.

CORAM : S. S. SHINDE,
MANISH PITALE, JJ

DATE : 28th JANUARY 2021

P.C.

1 By this Writ Petition, the Petitioner seeks to challenge the order dated 25/11/2019 passed by the Deputy Commissioner of Police, Zone-II, Pimpri Chinchwad externing the Petitioner from District Pune. Admittedly the Petitioner has not filed the Appeal against the said order of Deputy Commissioner of Police, Zone II, Pimpri Chinchwad.

2 The learned counsel appearing for the Petitioner submits that since there is a delay of about 13 to 14 months in filing the Appeal, the Petitioner has filed this Petition. The apprehension expressed by the learned counsel for the Petitioner is that in case the Petitioner files an appeal against the said order, the same may be dismissed by the Appellate Authority on the ground of delay.

3 Admittedly, the Petitioner has not filed the Appeal, and therefore,

if we entertain this Petition ignoring the remedy of an Appeal available to the Petitioner, the Petitioner may lose the said remedy of filing the appeal available to him.

4 The learned counsel appearing for the Petitioner on instructions submits that the Petitioner will file such an appeal within two weeks from today before the Appellate Authority. He further submits that the Appellate Authority may be directed to decide the said Appeal as expeditiously as possible.

5 It is true that there would be a delay of 13 to 14 months in approaching the Appellate Authority. However, by causing such delay in filing the appeal, Petitioner would not get any benefit.

6 In that view of the matter, in case of filing the appeal by the Petitioner, while considering the prayer of the Petitioner for condonation of delay in filing the appeal, the Appellate Authority shall take a liberal view and keep in view the aforementioned observations made in this order.

7 The Writ Petition is disposed of with liberty to the Petitioner to file the Appeal before the Appellate Authority i.e. the Divisional Commissioner, Revenue, Pune Division, Pune. In case, such an appeal is filed by the Petitioner,

the Appellate Authority shall decide the same on its own merits and in accordance with law within a period of two weeks from filing the said appeal.

[MANISH PITALE, J]

[S. S. SHINDE , J]