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

CRIMINAL WRIT PETITION NO.3046 OF 2021

Rafiq Salim Khan ... Petitioner

Vs.

State of Maharashtra & others ... Respondents

Mr.R.S. Kadam for the Petitioner

Ms.Sangeeta Shinde, APP, for Respondent – State

**CORAM: S.S. SHINDE &
N.J. JAMADAR, JJ.**

DATED: AUGUST 26, 2021

P.C.:

1. Mr.Kadam, learned Counsel appearing for the petitioner, submits that the Appeal against the order of externment of the petitioner is pending before the Appellate Authority i.e., Divisional Commissioner (Revenue), Pune Division, Pune for a considerable period and that the petitioner would be satisfied if the said Authority is directed to decide the pending appeal within a stipulated period. The Learned APP appearing for the Respondent – State has no objection if the said Appellate Authority is directed to decide the said pending Appeal within the stipulated period.

2. In the light of the submission made across the bar and the prayer restricted by the learned Counsel appearing for the petitioner that the petitioner will be satisfied in case the Appellate Authority is directed to decide the pending appeal within a stipulated period, the following order is passed:

ORDER

- i) The Appellate Authority i.e., Divisional Commissioner (Revenue), Pune Division, Pune, is directed to decide the Externment Appeal No.16 of 2021 (Rafik Salim Khan vs. The State of Maharashtra) pending before it, as expeditiously as possible, if not decided already, however, within three weeks from the date of receipt of a copy of this order, on its own merits.
- ii) While deciding such appeal, the Appellate Authority shall adhere to the principles of natural justice.
- iii) After such decision is taken, it shall be communicated forthwith to the parties.

iv) All the contentions raised on merits in the petition are kept open to be agitated before the appellate authority.

3. Learned APP appearing for the Respondent – State undertakes to communicate this order to the concerned appellate authority. In addition to that, the petitioner can also produce an authenticated copy of this order before the said authority.

4. Writ Petition is disposed of in the above terms.

5. All concerned to act on an authenticated copy of this order.

(N.J. JAMADAR, J.)

(S.S. SHINDE, J.)