

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

CRIMINAL WRIT PETITION NO. 132 OF 2021

Sandeep Shamsunder Chandak,

..VS..

State of Maharashtra, through Deputy Commissioner of Police, Zone-2, Nagpur.

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

Court's or Judge's orders

Shri S. D. Chande, Advocate for the petitioner.
Shri A. S. Fulzele, Addl.P.P. for the respondent.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : 24.02.2021

Heard.

2. It is seen that there is an alternate remedy of appeal provided under Section 60 of the Maharashtra Police Act, which the petitioner has not availed of in this case. An opportunity to avail of such remedy can be granted to the petitioner. Learned counsel for the petitioner, therefore, seeks leave of the Court to withdraw the petition with liberty to file an appeal before the Appellate Authority under Section 60 of the Maharashtra Police Act and also prays for issuance of necessary directions in the matter.

3. Accordingly, leave to withdraw the petition with liberty to file an appeal under Section 60 of the Maharashtra Police Act is granted to the petitioner subject to the condition that the appeal shall be filed by

the petitioner within two weeks' from the date of the order. It is made clear that, if the appeal is filed in compliance with these directions, the issue of bar of limitation shall not be raised by the Appellate Authority and the Appellate Authority shall decide the appeal on its own merits, in accordance with law, as expeditiously as possible and in any case within 30 days from the date of filing of the appeal.

The Writ Petition is dismissed as withdrawn.

JUDGE

JUDGE

Kirtak