

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

920 CRIMINAL WRIT PETITION NO.356 OF 2022

SANDEEP HARIBHAU CHAVAN (C-8714)

VERSUS

THE ADDL. DIRECTOR GENERAL OF POLICE AND INSPECTOR GENERAL OF
PRISONS, PUNE AND OTHERS

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Advocate for Petitioners : Mr. Tungar Nikhilesh K.

APP for Respondents-State : Mr.S.D.Ghayal

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CORAM : SMT. VIBHA KANKANWADI & ABHAY S. WAGHWASE, JJ.

Dated: December 02, 2022

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PER COURT :-

1. Heard learned Advocate for the petitioner as well as learned APP.
2. Learned APP points out that the petitioner ought to have filed appeal which has been provided as per the Notification issued by the Government of Maharashtra on 30-11-2021.
3. Taking into consideration the provisions of appeal made available, the petitioner ought to have exhausted that remedy before coming to this Court. It appears that in spite of specific mention about the same in the impugned order dated 23-12-2021, the petitioner has come to this Court. Under such circumstances, petitioner is required to be directed to approach the appellate authority though limitation period has been prescribed. It can be seen that the petitioner had approached Office of the Legal Services Authority of this Court by way of application and then the matter was assigned to an expert Advocate on the Panel and then he has filed present petition. Therefore, appellate authority would liberally consider the delay, if any, as the petitioner was pursuing his cause before this Court.
4. With these observations, writ petition stands disposed of by directing the petitioner to approach the appellate authority.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)