

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.79 OF 2022**

Ajinkya @ Akshay Ashok Mane

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

....

Mr. Dhairyasheel V. Sutar for the Petitioners.

Ms S.D.Shinde, APP for Respondent No.1-State.

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.
DATED: 10th FEBRUARY, 2022.**

P.C.:-

Not on board. Taken on production board in view of urgency.

1. The limited grievance is raised in the petition in the nature of non-decision on a statutory appeal being filed by the Petitioner.
2. The facts in brief can be summarized as follows:-
3. The Petitioner-resident of village Peth-Vadgaon, District Kolhapur was subjected to a order of externment passed by the competent authority by exercising appearance under Section 56 (1) (a) (b) of Maharashtra Police Act, 1951 and was externed from Kolhapur District for a period of six months from the date of passing the order. The said order was passed on 22nd October, 2021. Being aggrieved by the said order the Petitioner filed an appeal before the competent authority sometime in the month of October, 2021 alongwith an application for grant of stay to the externment order challenged in the appeal. The submission is though the appeal was filed before the competent authority bearing Appeal No.159 of 2021 immediately as there was no progress in the appeal the petitioner

was left with no option but to approach this court by filing the present petition on 2nd January, 2022. It would be not out of place to state that an identical grievance is raised before this court in criminal Writ Petition No.3531 of 2021. As such the Division Bench of this Court was pleased to seek a response from the State. Accordingly, it was submitted before this court by learned APP that before the Deputy commissioner of Pune i.e. the Appellate Authority 51 appeals of year 2021 are pending. It is also submitted that due unfairness of the situation pending the hearing of the appeal was suspended on the backup of this factual and statutory data. The Division Bench of this court pleased to observe that it is not possible for this court to straight way to direct early disposal of the Petitioner's appeal, as such order indirectly affects all those who are waiting without approaching this court. It is observed by this court that out of court disposal would be merited.

4. In view of this order of this court dated 8th October, 2021, we deem it appropriate to dispose the direction of the appropriate authority to decide the appeal filed at the instance of the Petitioner, considering the observations of the Division Bench dated 8th October, 2021 in Criminal Writ Petition No.3531 of 2021.

5. Needless to state that the Petitioner can submit before the authority a prayer for early hearing if so advised and if such prayer is made before the authority, the authority would be guided by the observations of this court in the order dated 8th October, 2021.

6. With these directions, the petition is disposed of.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)