

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

WRIT PETITION NO. 205 OF 2022

Rohit Lavhaji Sadamate	...Petitioner
Versus	
The Sub Divisional Magistrate and Anr.	...Respondents

**WITH
WRIT PETITION NO. 310 OF 2022**

Chandrakant @ Pintu Balu Rokade	...Petitioner
Versus	
The Sub Divisional Magistrate and Anr.	...Respondents

- Ms. Rui Danawala i/by Mr. Umesh R. Mankapure for the Petitioner.
- Ms. S.D. Shinde, APP, for the Respondent – State.

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATE : FEBRUARY 09, 2022.

PER COURT :

1. On perusal of the documents placed on record in the present Petitions, we are not inclined to entertain the Petitions.

2. The Petitioners who are the residents of district Sangli externed from Sangli district for a period of six months under the order of the competent Authority dated 22nd December, 2021 and 23rd December,

2021 respectively. Being aggrieved by the said orders, the Petitioners filed an Appeals before the competent Authority i.e. Divisional Commissioner, Pune under Section 60 of the Maharashtra Police Act, 1951 on 12th December, 2021 along with Appeal Petitioners also filed an application for grant of stay to the order impugned in the Petitions.

3. We are surprised to note that the Petitioners filed an Appeals before the competent Authority on 12th December, 2021 and immediately on 15th December, 2022, the Petitioners filed Petitions in this Court raising certain grounds in the Petitions.

4. Perusal of these grounds show that the Petitioners submits before this Court that the competent Authority i.e. Sub Divisional Officer committed serious errors in passing the order of externment against the Petitioners and submits that the order of the Sub-Divisional Officer is nothing but an outcome of non application of mind. Then in paragraph 11 of Petitions of Writ Petition No. 205 of 2022 and in paragraph 12 of Writ Petition No. 310 of 2022, it is submitted that the Petitioners that Petitioner has no

other alternative, equally efficacious and/or speedy remedy but to approach this Hon'ble High Court and as such the present Writ Petition is filed in this Court under Article 226 of the Constitution of India.

Now this statement cannot be accepted on face of it for the reason that, the Petitioner has not only availed the efficacious remedy available under the act namely, filing the Appeal before the competent Authority but, has also filed an application for grant of stay to the order impugned in the Petitions. Petitioners then after filing Appeals, without waiting for couple of days, approached this Court by filing present Petitions.

5. Considering the above referred facts, we are not at all inclined to entertain these Petitions. Accordingly, Writ Petitions are dismissed.

6. Needless to state that in case, Appeals filed by the Petitioners has not heard by the competent Authority within reasonable period, Petitioners are at liberty to approach this Court.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)