

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 685 OF 2022

Sangameshwar Dhulappa Surgihalli

...Petitioner.

Versus

The Commissioner Of Police And Anr

..Respondents.

Mr. V. V. Purwant a/w Mr. Rushikesh Kale, for Petitioner.

Mr. J. P. Yagnik APP, for Respondent State

CORAM : PRASANNA B. VARALE &
S.M. MODAK, JJ.

Date : March 15, 2022.

P. C. :

1. The Petitioner is before this Court with a limited prayer. The submission is that the Petitioner runs a hotel by name "Nagesh Bar and Restaurant" in the area of Soregaon, Vijapur Road, Solapur. The Petitioner, by following all procedural formalities, approached the competent authority of State of Maharashtra for issuance of licence for performances / amusement like orchestra. Though initially license was granted in favour of Petitioner, subsequently on the ground that the Petitioner is habitual offender, the licence came to be cancelled. Being aggrieved, the petitioner approached the appellate authority by preferring an appeal under section 33(1) of the Maharashtra Police Act, 1951, within the stipulated period.

2. Evidently, the appeal was filed before appellate authority

on 24th January 2022. It is very interesting to note that appeal is filed by the Petitioner on 24th January 2022 and the present petition is filed in this Court on 21st February 2022, i.e., within a period of one month, and the Petitioner is before this Court with a principal prayer seeking directions to the authority to decide his appeal within a time bound manner.

3. The time span between filing an appeal before the competent authority and filing the writ petition is so short to persuade us to hold that appeal is pending before the appellate authority for a considerable length of time and the authority is causing inordinate delay. Though this is our *prima facie* observation on the facts of matter, we are not inclined to divulge on this issue any further in view of the report submitted to this Court by learned APP. The report dated 11th March 2022 is submitted to the office of public prosecutor by the appellate authority. The said report/communication is taken on record and marked "X" for identification.

4. The perusal of said report/communication shows that the appellate authority is hearing the appeals by maintaining chronology / turn, and on the date of communication, there were 45 appeals pending for hearing before the appellate authority and the appeal filed by the

present Petitioner is at serial number 43. It is further stated in the said communication / report that the appeal of present Petitioner would be heard by maintaining turn. Considering all these facts, in our opinion, the grievance of the Petitioner now no more survives. The petition is accordingly disposed of.

[S. M. Modak, J.]

[Prasanna B. Varale, J.]