

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

WRIT PETITION NO. 795 OF 2022

Akash Anil Mudgal

...Petitioner

vs.

The State of Maharashtra and Ors.

...Respondents

Mr. Tukaram Shendge i/by Manoj Bagal - Advocate for the Petitioner

Mr. K. V. Saste - APP for the Respondent-State

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

DATE : 21st MARCH, 2022

P. C. :-

- . Not on board. On mentioning taken on board.
2. Considering the grievance raised in the Petition, we are of the opinion that the Petition itself can be disposed of at the admission stage.
3. The perusal of the material placed on record show that the Petitioner, who is externed from the limits of Solapur City, was subjected to order of externment dated 29/12/2021 passed by the Deputy Commissioner of Police (Zone-1), Solapur City.
4. Needless to state that the said Order was passed after issuing Show Cause Notice to the Petitioner on 09/12/2021. The Petitioner is externed from the limits of Solapur City, rest of the Solapur, District,

Indapur Taluka of Pune District and Usmanabad District for the period of two years.

5. The Petitioner was informed that if the Petitioner is having any grievance against order of externment he can avail the remedy of appeal by presenting the same before the Divisional Commissioner under Section 60 of Maharashtra Police Act 1951.

6. The learned counsel for the Petitioner submitted that the Petitioner immediately filed appeal before the Divisional Commissioner alongwith application for grant of stay.

7. Our attention was invited to copy of an appeal filed by the Petitioner before the Divisional Commissioner Pune placed on record at page 39. It seems that the appeal was filed on 18/01/2022. The Petitioner also filed an application for early hearing of the appeal on 11/02/2022.

8. Our attention was also invited to notification circular of the State Government dated 26/04/2016. The circular is aimed for early hearing of the appeal and accordingly the guidelines are stated in the said circular dated 26/04/2016.

9. The learned counsel submits that though the Petitioner approached Appellate authority by filing necessary appeal and also applications for early hearing and for the stay and appeal is still pending before the Authority till date. This is the grievance raised in the petition. Accordingly,

the counsel for the Petitioner pray for direction to the Appellate Authority to decide the appeal within a stipulated time frame. It may not be out of place to state here that an identical grievance was raised before this Court in Criminal Writ Petition No. 3535 of 2021 and the Division bench of this Court was pleased to issue notice, and in response to notice, a data was submitted to this Court. It was also submitted before this Court that due to peculiar circumstance namely the outbreak of Covid-19 pandemic, the Appellate authority was unable to hear the appeal for some time and now the appeals are taken up by the authorities as per its turn. Considering the data and above referred submissions, the Division bench of this Court vide its Order dated 08/10/2021 was pleased to dispose of the Writ Petition with direction to Appellate Authority to decide the appeal as per its turn. The Division bench was pleased to observe that any direction to authorities to decide the appeal within a particular time frame will cause prejudice to those appellants who have filed their respective appeals earlier than the Petitioner and waiting for their turn.

10. Considering the observations of the Division bench in the Order dated 08/10/2021 in Criminal Writ Petition No. 3535 of 2021, we see no reason to take different view than the view adopted by the Division Bench of this Court. Accordingly, the Petition is disposed of with direction to the Respondent No. 2 - Appellate authority to decide the appeal of the present

Petitioner as early as possible and the stay application as early as possible considering the pendency of other applications and appeals before the Appellate Authority, with this directions the Petition is disposed of.

11. Parties to act on an authenticated copy of this Order.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)