

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3321 OF 2022
IN
INTERIM APPLICATION NO. 2567 OF 2022
IN
WRIT PETITION NO.4512 OF 2021**

Amritpal Singh Khalsa

....Applicant/
Petitioner

Versus

The Commissioner of Police, Thane and ors.Respondents

Mr. Amritpal Singh Khalsa, applicant in person.

Ms. P. P. Shinde, APP for the State.

**CORAM : PRASANNA B. VARALE &
N. R. BORKAR, JJ.**

DATE : 4th OCTOBER, 2022.

P.C. :

1. The applicant, party-in-person is before this Court with a very limited grievance of non-compliance of the order passed by this Court on 19th August, 2022 in Interim Application No.2567 of 2022. The party-in-person invited our attention to the order of this Court passed on 15th March, 2022 in Writ Petition No.4512 of 2021 and order dated 19th August, 2022 in Interim Application No.2567 of 2022. It is submitted by the party-in-person that in respect of his grievance, he had to approach this Court time and again and in spite of the directions of this

Court, the concerned authority sat tight over the matter and failed to take any decision. The party-in-person, submitted that vide order dated 19th August, 2022, the Division Bench of this Court directed respondent No.5-Home Minister, Mantralaya, Mumbai, to decide the his appeal as expeditiously as possible and, in any event, within stipulated period from the date of receipt of the order. The party-in-person, then, invited our attention to the document placed on record at Annexure -C, page 13, which is an intimation/communication to the Section Officer – POL-9 with reference to the order of this Court dated 19th August, 2022 as well as directions of this Court to decide the appeal within three weeks from the date of receipt of the order. Along with the said communication, the authenticated copy of the order dated 19th August, 2022 was annexed. Then, the party-in-person invited our attention to the written notes of arguments submitted to the concerned authority on 8th September, 2022. The party-in-person, further submitted that on these written notes of arguments, hearing of the appeal was concluded and it was expected of the said authority to decide the appeal within stipulated period but the appeal was not decided within stipulated period and after waiting for considerable period when there was no progress in the matter and when the appeal was pending before the authority for decision, the applicant, party-in person was left with no alternative but to approach this Court and file the present application.

2. It seems that the notice of the application was served upon the Office of the Public Prosecutor. Learned APP, on instructions, submitted before this Court that pursuant to order of this Court, the concerned respondent has decided the appeal on 3rd October, 2022. Learned APP also submitted that the decision in the appeal is also communicated to the applicant through postal service and the applicant may receive the communication within a short span.

3. Though, now the appeal is decided, admittedly, the decision is beyond the stipulated period.

4. Learned APP submitted that as the appeal was heard and thereafter, the authority required some time to apply its mind and pass the order, the delay caused in deciding the appeal is unintentional and for bona fide reason. Learned APP also submitted before this Court that due to certain unforeseen events, the concerned authority took some more time.

5. Though we accept the explanations, however, we expect henceforth the authority would be more careful and shall follow the directions of this Court scrupulously. Henceforth, if any such instances are brought to the notice of this Court, this Court may pass appropriate

orders including imposition of cost on the erring officers or directing the State Government to take entries in the service record of the officer concerned. Now as the appeal of the applicant, party-in-person is decided, we see no reason to pass any further orders. The interim application is, accordingly, disposed of.

(N. R. BORKAR, J.)

(PRASANNA B. VARALE, J.)