

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4803 OF 2021

Azam Iqbal Shaikh. ...Petitioner.
Versus
The DCP Zone-I, Pune City and Others. ..Respondents.

AND

WRIT PETITION NO. 4809 OF 2021

Shabana Iqbal Shaikh. ...Petitioner.
Versus
The DCP Zone-I, Pune City and Others. ..Respondents.

AND

WRIT PETITION NO. 4810 OF 2021

Iqbal Ganu Shaikh. ...Petitioner.
Versus
The DCP Zone-I, Pune City and Others. ..Respondents.

Ms. Jayshree Tripathi i/b U. N. Tripathi for the Petitioner.
Ms. M. H. Mhatre, APP for the Respondent-State.

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

Date : **January 7, 2022.**
[Through video conferencing.]

P. C. :

1. Heard learned counsel appearing on behalf of the Petitioners and learned APP for the Respondent-State authorities. As the issue involved in these petitions is of a limited nature, petitions are taken up for hearing and disposal at the admission stage with the consent of parties.
2. The Petitioners, who are residents of area known as Bhawani Peth, Pune, were subjected to externment proceeding initiated

at the instance of Respondent No.1 – the Deputy Commissioner of Police, Zone-1, Pune. By following due procedure, an order dated 4th January 2021 of externment was passed against the Petitioners and the Petitioners were externed from areas under the jurisdiction of Commissioner of Police, Pune, Pimpri-Chinchwad Commissionerate and Pune district for the period of two years. The Petitioners were informed that they can avail the remedy of filing an appeal under section 60 of the Maharashtra Police Act before the competent appellate authority, i.e., the Divisional Commissioner, Pune Division, Pune within the stipulated period of 30 days. Admittedly, the Petitioners presented their appeals before the Divisional Commissioner, Pune Division, Pune on 22nd January 2021.

3. The submission of learned counsel appearing on behalf of the Petitioners is that till the date of filing of present petitions, there was no progress in the appeals preferred before the Divisional Commissioner and considering the period of externment, if the appeals are not heard within a reasonable period, the remedy availed by the Petitioners would be only a futile exercise.

4. On the perusal of material placed on record, we find considerable merit in the submission of learned counsel appearing on behalf of the Petitioners. Learned counsel appearing on behalf of the Petitioners was justified in submitting that if the appeals are not heard

by the competent appellate authority within a reasonable time-frame, the object of providing an efficacious remedy to the parties would be only a remedy available on paper and in reality the object would be frustrated.

5. In the light of above, the petitions are disposed of with a direction to the appellate authority, i.e., Respondent No. 2 herein to hear and decide the appeals presented by the Petitioners, as early as possible, and not later than **10 weeks** from the date of receipt of a copy of this order. Learned APP to forthwith communicate this order to the concerned appellate authority by all possible modes of communication.

6. All concerned to act upon a copy of this order which is duly authenticated by the Registry of this Court.

[Anil S. Kilor, J.]

[Prasanna B. Varale, J.]