

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 6793 OF 2021**

Shrikant Parshuram Bansode and ors.Petitioners

Versus

The State of Maharashtra and anr.Respondents

Mr. Manjeet M. Lotankar i/b. Mr. Dhananjay P. Rananaware, advocate for the petitioner.

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

**CORAM : PRASANNA B. VARALE &
SURENDRA P. TAVADE, JJ.**

DATE : 18th FEBRUARY, 2022.

P.C. :

1. Heard learned counsel for the petitioners.
2. A limited grievance is raised in the petition. The petitioner was subjected externment proceedings and the competent authority by an order dated 8th June, 2021 exercised powers under Maharashtra Police Act of 1951 externing the petitioner from Solapur City and rest of Solapur District, Indapur Taluka of Pune and Osmnabad District for a period of two years. Being aggrieved by the said order, the petitioner immediately approached the appellate authority by filing an appeal on 6th July 2021 and also submitted an application for grant of stay on the same day, i.e. 6th July, 2021. As the appeal was pending before the authority and there was no progress, the petitioner approached this Court by filing the present petition on 10th December, 2021.

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3. The grievance raised in the petition is of non action, i.e., non hearing of either the application for grant of stay or the appeal on merits. The submission is that the delay in decision would frustrate the object of availing the remedy. Accordingly, learned counsel appearing on behalf of the petitioner prayed for direction to the appellate authority to decide the appeal submitted by the petitioner as expeditiously as possible and within a time bound manner.

4. It may not be out of place to state here that raising this very issue, a petition was filed in this Court (Criminal Writ Petition No. 3535 of 2021) and the Division Bench of this Court headed by Justice Jamdar vide order dated 8th October 2021 disposed of the writ petition. When that petition came up before the Division Bench, a query was made to learned APP as to how many appeals were pending before the appellate authority and in response, learned APP submitted the data of pending appeals before the appellate authority and it was apprised to the Division Bench that 51 appeals of the year 2020 are pending whereas 115 appeals of the year 2021 are pending before the appellate authority. The reason was also submitted before this Court for the pendency of appeals and it was covid-19 pandemic. It was submitted before this Court that due to this unfortunate difficulty, the hearing of appeals was suspended. In view of these facts, the Division Bench was of the opinion that it will not be possible for this Court to straightaway direct the early disposal of the

petitioner's appeal as the said order will indirectly affect those who are waiting without approaching the Court. The Division Bench was pleased to further observe "There could be cases where out of turn disposal may be merited but we leave that to the discretion of the concerned Authority."

5. In view of these facts, we are unable to allow the prayer of present petitioner to direct the appellate authority to decide the his appeal within a time bound framework. However, we dispose of the present writ petition with liberty to the petitioner to approach the appellate forum and take appropriate steps in view of the order of Division Bench of this Court dated 8th October, 2021. In case, such steps are taken, the appellate authority can be guided by the said order. Insofar as the grievance raised by the petitioner that the petitioner is suffering from certain ailment and for medical treatment, he is required to enter in Solapur District or his home District is concerned, this grievance can be taken care of if the petitioner avails the remedy as observed in the aforesaid order dated 8th October, 2021. With these observations, the petition is disposed of.

(SURENDRA P. TAVADE, J.)

(PRASANNA B. VARALE, J.)