

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO.372 OF 2022

Petitioner : Anup s/o Tejpal Agrawal,
Age 21 years, Occ. Labour,
R/o. Rajapeth, Amravati, Tq. Dist. Amravati.

– Versus –

Respondents : 1] Deputy Police Commissioner,
Amravati, Tq. Dist. Amravati, Zone-2.

2] Assistant Police Commissioner,
Rajapeth Division, Amravati City.

3] Police Station Officer,
Rajapeth, Tq. Dist. Amravati.

4] Divisional Commissioner,
Amravati.

Mr. S.I. Ghatte, Advocate for the Petitioner
Mr. S.M. Ukey, A.P.P. for the Respondents.

CORAM : **VINAY JOSHI, J.**
DATE : **23rd JUNE, 2022.**

ORAL JUDGMENT :-

Rule. Rule made returnable forthwith. Heard finally by consent of both sides.

02] A short challenge is raised by the petitioner to the order, dated 02/06/2022 passed by the Divisional Commissioner, Amravati, by which a

stay to the externment order has been vacated. The petitioner was externed for the period of two years from Amravati City and Rural Area in terms of Section 56 of the Maharashtra Police Act vide order dated 04/05/2022 passed by the Deputy Commissioner of Police [Zone-II], Amravati city.

03] Being aggrieved by said order, the petitioner has preferred an appeal to the Divisional Commissioner, Amravati in terms of Section 60 of the Maharashtra Police Act. In the said appeal, the petitioner has applied for stay to the externment order on which the Authority has granted conditional stay till 19/05/2022 and placed the matter for hearing on 08/06/2022. Thereafter, the petitioner has applied for extension of stay, on which one week's extension was granted, i.e. the stay was extended till 26/05/2022. It was informed that on 26/05/2022, the petitioner has applied for extension of stay, but the Authority was not available.

04] It is the petitioner's contention that without giving a right of hearing, the stay was vacated by impugned order dated 02/06/2022, therefore, the challenge. In fact initially, the stay was up to 19/05/2022 and was extended up to 26/05/2022. Technically, there was no extension after 26/05/2022. However, the Authority vide order dated 02/06/2022 has refused the extension of stay. The impugned order nowhere discloses that the

petitioner was heard before declining to extend the stay. The Authority ought to have decided the appeal expeditiously in case of refusal to extend the stay.

05] Having regard to the above facts, the petitioner shall apply for extension of stay on which the Appellate Authority shall, after hearing the petitioner, decide the same within one week from the filing of application. The Authority shall expeditiously dispose of the appeal in accordance with law. The writ petition stands disposed of in the above terms.

(VINAY JOSHI, J.)

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