

Shailaja

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

CRIMINAL WRIT PETITION NO.5607 OF 2024

Nadeem Ismail Majid] **Petitioner**
Vs.
The State of Maharashtra and others] **Respondents**

.....
Mr. Narayan G. Rokde, for Petitioner.

Mr. K.V. Saste, Addl. P.P, for Respondent-State.

.....
**CORAM : REVATI MOHITE DERE &
ADVAIT M. SETHNA, J.J.**

DATE : 17th DECEMBER, 2024.

P.C:

1. Heard learned Counsel for the parties.
2. By this petition, the petitioner essentially seeks quashing/setting aside of the externment order dated 11th November, 2024 passed by the respondent No.3 – The Deputy Commissioner of Police, Zone -3, Kalyan.
3. Mr. Saste, learned Addl. P.P, raises a preliminary objection. He states that the petitioner has an alternate efficacious remedy of filing an appeal before the Divisional Commissioner, Konkan Division.

4. In view of the aforesaid preliminary objection raised by the learned Addl. P.P, learned Counsel for the petitioner seeks leave to withdraw the petition with liberty to file an appeal before the Divisional Commissioner, Konkan Division.

5. The petition is accordingly disposed of, as withdrawn, with liberty as prayed.

6. We make it clear, that we have not heard the petition on merits and as such, all contentions of all parties are kept open.

7. Needless to state, that if an appeal is filed by the petitioner before the Divisional Commissioner, Konkan Division, the Divisional Commissioner to decide the same as expeditiously as possible and, in any event, within six weeks from the date of filing of the appeal.

8. Needless to state, that prosecution will not raise any objection with respect to the maintainability of the appeal on the ground of limitation/delay in filing the appeal.

9. The petition is disposed of on the aforesaid terms.
10. All parties to act on the authenticated copy of this order.

[ADVAIT M. SETHNA, J.]

[REVATI MOHITE DERE, J.]