



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL WRIT PETITION NO.295 OF 2023

MAHESHKUMAR S/O HARGOVIND GOYAL

VS

THE STAET OF MAH. THR. ITS SECRETARY HOME DEP. MADAM KAMA ROAD
MANTRALAYA MUMBAI AND 2 OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Anil Mardikar, Senior Advocate a/b Mr. N.B. Jawade, Advocate for the
Petitioner/s

Ms Kalyani Marpakwar, APP for the Respondent Nos.1 to 3/State

**CORAM : SMT. VIBHA KANKANWADI
& MRS. VRUSHALI V. JOSHI, JJ.**

DATE : 28.06.2024

1. Mr. Mardikar, learned Senior Advocate for the petitioner, informs that the appeal filed by the present petitioner before the Additional Chief Secretary, Home Department, Mantralaya, Mumbai is still pending. It was not even numbered before the Additional Chief Secretary, Home Department, Mantralaya, Mumbai. It is to be heard and disposed of by the concerned Minister.

2. The learned APP makes a statement that now the appeal has been numbered and the notices would be issued in respect of taking up hearing.

3. The learned Senior Advocate for the petitioner further submits that taking into consideration the impugned order passed on 03.02.2023, it was mentioned that twice opportunity was given, however, the petitioner has not appeared. He submits

that the petitioner would appear before the concerned authority, who passed the impugned order, as he wants to point out the legal provisions, which have not been considered, and wants to bring the position of law to the notice of the concerned authority. With this liberty, the petitioner seeks withdrawal of the present petition. The learned Senior Advocate also makes a statement that the petitioner would withdraw the appeal that has been filed by the petitioner before the Additional Chief Secretary, Home Department, Mantralaya, Mumbai.

4. It appears from the impugned order that twice opportunity was given to the petitioner to show cause, however, it is stated that he did not remain present. In view of the fact that the position of law is proposed to be pointed out, a liberty deserves to be granted to the petitioner to appear before the concerned authority and then, the concerned authority to take decision on merits.

5. In view of this position, we permit the petitioner to withdraw the petition.

6. The petitioner to appear before the Deputy Commissioner of Police (Head Quarter), Nagpur City, Nagpur on **05.07.2024**, in response to the show cause notices those were issued on 12.01.2023 and 23.01.2023.

7. The Concerned Police Officer may proceed to hear with the matter and decide it on merits by giving an opportunity of hearing to the petitioner.

8. In such circumstance, the impugned order No.POAANA PALI-2/PARWANARADDA/5650/2023/763, passed by the Deputy Commissioner of Police (Head Quarter), Nagpur City, Nagpur, dated 03.02.2023, stands quashed and set aside.

9. The concerned authority to take decision within three weeks from the date of the appearance of the petitioner.

10. In view of the said statement that the petitioner would withdraw the appeal pending before the Additional Chief Secretary, Home Department, Mantralaya, Mumbai, the petitioner to take such step within a period of 15 days from today.

11. The petition is **disposed of** as withdraw with liberty as prayed for.

[MRS. VRUSHALI V. JOSHI, J]

[SMT. VIBHA KANKANWADI, J]