

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 12 OF 2026

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Aazam Mohammad Kazi

... Petitioner

Versus

The Superintendent of Police, Sangli & Ors.

... Respondents

.....
Mr. Kuldeep Nikam a/w Pratikk Patil, U.R. Jamdar, Onkar Bajaj,
Rushikesh Desai for the Petitioner.

Mrs. S.N. Deshmukh, APP for the Respondent No.3 - State.

.....

CORAM : R.G. AVACHAT AND
AJIT B. KADETHANKAR, JJ.

DATE : 12th JANUARY, 2026.

P. C. :

1. Not on Board. Upon mentioning, taken on Board.
2. Heard.
3. Issue notice to the Respondents returnable on 17th January 2026.
4. Learned APP waives notice for Respondent – State.
5. Learned APP objects for entertaining this Writ Petition under Article 226 of the Constitution of India. Learned APP would submit to

have no instructions in this matter.

6. The prayer clause (b) of the petition herein reads thus :-

“(b) That the Petitioners may kindly be granted liberty to effectively participate / contest the upcoming election for the Sangli Miraj Kupwad City Corporation scheduled on 15/01/2026;”

7. The Petitioners, vide order impugned herein, have been externed for a period of one year from the two Districts. One of the Petitioner is in a fray of ensuing Municipal Corporation Elections. The other one is an authorized representative of Petitioner No.1. Our attention has been drawn to crime registered against the Petitioner No.1. Out of 5 crimes, he has been acquitted of 3 still those have been taken into consideration. In other one, it is informed by the learned Counsel for the Petitioner that a Report under Section 169 of the Cr.P.C. (corresponding to Section 189 of the BNSS), has been filed. Then what remains is the crime, which dates back to the year 2024.

8. It is true that Petitioners have remedy of Appeal. Needless to mention, the Appeal lies before the Divisional Commissioner. Considering the prayer clause (b), we entertain this petition only for limited extent since liberty of the Petitioner and rights under Article 19 of the Constitution of India are at stake.

9. So far as other Petitioner is concerned, there are two crimes registered one is of 2024 and the other of 2025. Learned Counsel for the Petitioners has every reason to contend *mala fides* in passing the order impugned herein.

10. Till next date, there shall be ad-interim relief in terms of prayer clause (c).

11. On the next date, issue of availability of alternative remedy of appeal, would be considered.

12. Stand over to **17th January 2026.**

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT, J.]