

FARAD CONTINUATION SHEET NO.  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**APPELLATE SIDE, BENCH AT AURANGBAD.**

| Office notes, office Memoranda of coram, appearance, court's orders or directions and Registrar's orders | Court's or Judge's orders.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                                                                                                          | <p><b>CRIMINALWRIT PETITION NO. 958/2009</b></p> <p>Shri Sachin Deshmukh, Adv. for petitioner.<br/> Shri V.D. Godbharle, APP for State.</p> <p><b>CORAM : A. V. NIRGUDE, J. (Vacation Court)</b><br/> <b>DATE : 27 TH OCTOBER, 2009.</b></p> <p>1- Heard. Perused the impugned order. Shri Deshmukh, the learned Advocate appearing for the petitioner rightly placed reliance on the Judgment of Division Bench of our High Court in the case of <u>Shamukumar V/s State of Maharashtra reported in 1988 (1) Bom C.R 131.</u> Even though, the impugned order does not say that as a matter of policy stay to the effect of the impugned order of externment is refused, the reason mentioned in the order is rather not convincing. There should have been apparent and present danger from the petitioner if he continues to stay in Latur District. Such report was not there on record. So, the appellate authority apparently has erred in not granting stay to the effect of the impugned order. I am inclined to stay the effect of the order but I would direct the appellate</p> |

authority to decide the appeal within four weeks.

ORDER

1. The effect of the externment order dated 14<sup>th</sup> August, is stayed till disposal of the appeal.
2. The appellate authority shall decide the appeal within four weeks from the date of communication of this order.
3. This petition is disposed off.

**( A. V. NIRGUDE, J. )**

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Dt. : 27.10.2009  
aaa/958.09