



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 19300 OF 2026 (GM-POLICE)

BETWEEN:

SRI. SHARATH @ SHARATH KUMAR
@ DODDASHARATH, S/O MUNIYA,
AGED ABOUT 34 YEARS,
R/AT NO.66, 2ND BLOCK,
ANDERSONPETE, K.G.F,
KOLAR - 563 122.

...PETITIONER

(BY SRI. RANGANATH REDDY R, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY SECRETARY,
DEPARTMENT OF HOME,
VIDHANA SOUDHA,
BANGALORE - 560 001.
2. THE SPECIAL EXECUTIVE MAGISTRATE
AND SUPERINTENDENT OF POLICE,
KOLAR GOLD FIELDS - 563 122.
3. POLICE SUB-INSPECTOR,
ANDERSONPETE POLICE STATION,
K.G.F, KOLAR - 563 122.

...RESPONDENTS

(BY SRI. C.H. DEVARAJ, GA)

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO I) TO QUASH THE ORDER OF EXTERNEMNT PASSED BY THE SPECIAL EXECUTIVE MAGISTRATE AND SUPERINTEND OF POLICE AT KOLAR DATED 5/6/2026 IN CASE NO GPOK, KGF/GADIPARU/15/2026-27 VIDE ANNEXURE-A IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Learned Additional Government Advocate accepts notice for the respondents.
2. Petitioner is before this Court seeking for the following reliefs:
 - a. *To quash the order of externemnt passed by the Special Executive Magistrate and Superintend of Police at Kolar dated 5/6/2026 in case No:GPOK, KGF/GADIPARU/15/2026-27 vide Annexure-A in the interest of justice and equity.*
 - b. *To call for records if necessary for the records in respect of the scheduled property from the file of the respondents.*
 - c. *To issue such other orders as this honble court deems fit to grant in the facts and circumstances of the case including an order as to the costs of the present writ petition.*



3. The petitioner is aggrieved by the order of externment passed by respondent No.2 on 05.06.2026 at Annexure-K.
4. The submission of counsel for the petitioner is that the said order of externment came into force on the very same day that the order was passed, and therefore, the appellate remedy provided under Section 59 of the Karnataka Police Act, 1963, has been rendered otiose.
5. In this regard, he relies upon a decision of the Co-ordinate Bench of this Court dated 26.05.2026 in the case of **Bharath Jayarama vs. State of Karnataka & others** in **W.P.No.15663/2026**, more particularly para "5" thereof, which is reproduced hereunder for easy reference:

5. *Having heard the learned counsel on either side, perused the entire material on record. The petitioner has raised certain grounds submitting that when the order is passed on 14.05.2026 and the there is right of appeal within 30 days from the date of order, without even giving an opportunity to the petitioner, respondents have implemented the order. The show cause notice, the impugned order and report of the Sub-Inspector, Kota Police Station are all on different grounds. This court has perused the three impugned orders, the show cause notice and also the report placed before the Court. A bare perusal of the same discloses that it revolves around the petitioner betting activities, however, what is not stated in the show cause notice has been stated by the Sub-Inspector, Kota Police*



Station in his report with regard to the threat to the witnesses but ultimately the order is passed under Section 55(a) of the KP Act. Against this order, he has a right of appeal under Section 59 of the KP Act. This court finds force in the arguments of the learned counsel for the petitioner that when he has right of appeal and without even affording an opportunity to avail the remedy, the respondents have externed the petitioner and implemented the order. In the considered opinion of this Court, such an action by the respondent cannot be sustained when the petitioner had an effective alternative remedy under Section 59 of KP Act. Under these circumstances protecting the interest of the petitioner, this court is passing the following:

6. In ***Bharat Jayarama's*** case, the Co-ordinate Bench has held that when a right to appeal is available, without even affording an opportunity to avail of the remedy, the respondents could not have implemented the order, and in that background, the Co-ordinate Bench provided an opportunity to the externee to appeal the said order before the appellate authority and directed the respondents therein not to implement the order of the externee.
7. In the considered opinion of this Court, the said order will also be applicable to the case of the petitioner, since the order of externment has come into force on the date on which it was passed. As such, this Court passes the following:



ORDER

- i) Writ petition is ***allowed***.
- ii) Petitioner shall approach respondent No.1 by 21.07.2026 until the consideration of the interim application to be filed by the petitioner.
- iii) The impugned order shall not be given effect to, and the respondent No.1 shall dispose of the appeal in accordance with law within a period of thirty (30) days of that date.

**SD/-
(SURAJ GOVINDARAJ)
JUDGE**

GJM
List No.: 1 Sl No.: 31