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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 768/2026

ALI SHER

.....Petitioner

Through: Mr. Mahesh Kumar Sharma, Mr.
Prabanjhan Jha and Ms. Sapna
Sharma, Advs.

Versus

N.C.T OF DELHI AND ORS.

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC
for the State with Mr. Abhijeet
Kumar and Ms. Amisha Gupta,
Advocates
SI Mohit Rathor, PS.: Mangolpuri

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

02.07.2026

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1. By virtue of the present petition under *Article 226* of the Constitution of India read with *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the petitioner seeks setting aside of the order dated 12.12.2025 passed by the learned Additional Deputy Commissioner of Police-I, Outer District, Delhi (**ADC**) under *Section 47* of the Delhi Police Act, 1978 (**DP Act**), whereby the petitioner has been externed from the limits of NCT of Delhi for a period of *one year* as also the order dated 11.02.2026 passed by the learned Lieutenant Governor of Delhi (**learned LG**) under *Section 51* of the DP Act whereby the order dated 12.12.2025 was affirmed.

2. As per facts, a proposal for externment of the petitioner from the limits of NCT of Delhi due his indulgences and commission in illegal acts



and criminal activities was made to the ADC by the SHO of PS.: Mangol Puri, Delhi. As according to the SHO, the actions and conduct of the petitioner had the potential to harm and disturb the societal peace. Thus, the ADC, *vide* impugned order dated 12.12.2025 directed the petitioner to remove himself beyond the limits of the NCT of Delhi. In a challenge thereto, the impugned order dated 12.12.2025 was upheld by the learned LG *vide* order dated 11.02.2026.

3. Being aggrieved, the petitioner has filed the present writ petition.

4. At the outset, learned counsel for the petitioner, whilst relying upon the judgment(s) passed by Co-ordinate Benches of this Court in ***Devi Beniwal v. LT. Governor of Delhi and Ors.*** dated 19.12.2023 in W.P.(CRL) 2254/2023, and ***Jugal Kishore v. LT. Governor, Delhi and Ors.*** dated 03.05.2017 in W.P. (CRL) 2883/2015, submits that the case of the respondents is not covered under the ambit of *Section 47* DP Act and thus the proceedings initiated against the petitioner *vide* impugned order dated 12.12.2025, which has been upheld learned LG *vide* a subsequent order dated 11.02.2026, are liable to be set aside.

5. Thence, learned counsel for petitioner, referring to the ‘*Explanation*’ to *Section 47* of the DP Act, submits that the impugned order has been passed only on 12.12.2025 and the acts committed by the petitioner pertained to the years 2019 (*once*), 2020 (*twice*) and lastly in 2025 (*once*), which is clearly not in tandem thereof. Learned counsel then submits that the petitioner was not given any opportunity of producing witnesses.

6. *Per contra*, learned ASC submits that *Section 47* of the DP Act has to be read independently *de hors* the ‘*Explanation*’. She further submits



that considering the conduct of the petitioner and also the previous acts on his behalf, the impugned order dated 12.12.2025 which has been subsequently upheld *vide* order dated 11.02.2026, calls for no interference. Moreover, she submits that, in any event, as recorded in the impugned order dated 11.02.2026, “... ..the appellant was given ample opportunity to produce defence witness or to cross-examine prosecution witness but he failed to do the same.”

7. This Court has heard the learned counsel for the petitioner and learned ASC and has also perused the documents and the judgment(s) cited.

8. *Prima facie*, this Court finds that the phraseology used in Section 47 of the DP Act is bereft of an ambiguity, since the same is a complete code in itself. In fact, Section 47 of the DP Act gives sufficient powers to the *Commissioner of Police* with respect to the movements or acts of any person who may be causing or are calculated to cause any kind of alarm, danger or harm to the society, as also if it appears to the *Commissioner of Police* that there exists reasonable grounds for believing that such a person is found to be engaged or can engage in the commission of any offence in future, necessary action also may be taken against him. The said discretion, also includes any person like the petitioner herein, who may be habitual in commission of any offence(s).

9. In view thereof, the arguments addressed by learned counsel for the petitioner *qua* ‘Explanation’ of Section 47 of DP Act, is of no essence, particularly since this Court finds that the said Section 47 of the DP Act is of a *co-ultimate nature*. The said ‘Explanation’ has to be read in aid/support and in conjunction with Section 47 of DP Act and not



independently to somehow give it a separate/ independent meaning thereto. The objective/ intent/ purpose of Section 47 of DP Act cannot be permitted to be diluted/ defeated.

10. In fact, a perusal of the order dated 12.12.2025 passed by the ADC has duly taken note thereof. The relevant extracts thereof, reads as under:-

“It is apparent from his involvements in the above-mentioned case that his movements and acts are causing and calculated to cause alarm, danger, harm to person and property. He has been continuing his criminal activities and engaged himself in the commission of offence and his criminal activities are great menace and that he is so desperate and dangerous so as to render his being at large in NCT of Delhi or in any part thereof hazardous to the community.

On the basis of material received from SHO/Mangol Puri, New Delhi and after analyzing the material of the proposal carefully, necessary proceeding for the externment against respondent was initiated on 04.08.2025. Accordingly a Notice u/s 50 of Delhi Police Act 1978, containing above mentioned summary of allegation was issued and served upon him through local police in view of the provisions of section 47 /50 of Delhi Police Act, 1978 and power vested in DCP/ Addl.DCP by the Commissioner of Police, Delhi under section B(ii) of the said act.

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Respondent was asked to produce his DWs in his defence, but he did not produce any DWs in his defence after giving sufficient opportunities.

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Respondent was given sufficient opportunity to bring his defence counsel to defend his case in the interest of natural justice, however he did not do so despite informed of his right to engage an advocate through the Delhi Legal Service Authority, Rohini Court's, New Delhi for free of cost.”

11. In fact, based thereon the ADC has categorically observed therein in the very same order dated 12.12.2025 as under:-



*“Today the respondent has appeared before me without his counsel and heard in person. The respondent stated that he is living peacefully and normally and earning his livelihood by doing fair means. He also prayed that he may be given an opportunity to reform himself for leading peaceful life and promised that he will not indulge in any illegal activities in future and will always keep peace in society. Argument heard in detail and found that his argument is not satisfactory. Before deciding his case, I have gone deeply through the record and relevant material available during the course of proceeding. The record suggested that the respondent is actively involved in several criminal cases. A close scrutiny of the record clearly indicates that there are sufficient grounds to conclude that he is actively involved in the cases. **Hon'ble Supreme Court in the case of Amanulla Khan Kudeatall Khan Pathan vs State of Gujarat and Others. Reported in (1999) 5 Supreme Court Case (613) opined that a person can be called dangerous person if he is a habitual offender. "Habitually" would obviously mean repeatedly of persistently.** The habitual character of the Respondent is very much evident from the fact that even during the course of proceedings, Respondent was found engaged in commission of offences. Due to his continuous and persistent activities, the Respondent can call a dangerous person. The subsequent conduct of the Respondent during Externment proceedings reflects his habitual nature of committing crime.”*

12. Thereafter, the aforesaid order has been upheld vide a subsequent order dated 11.02.2026 passed by the learned LG.
13. This Court is in agreement with the aforesaid findings rendered.
14. Additionally, the contention raised by the learned counsel for the petitioner that the petitioner was neither given an opportunity to be heard at the time of the passing of the order dated 12.12.2025 nor given a chance for producing his witnesses, however, based on what is available on



record, since there were no such allegations raised by the petitioner before, the said contentions are rather far-fetched, particularly, at this stage as they are now sought to be raised for the first time.

15. Lastly, the judgments cited by the learned counsel for the petitioner are distinguishable on facts as they are nowhere applicable to the facts involved herein. Thus, neither of them are applicable herein.

16. In light of the factual matrix involved and aforesaid legal position in hand, there is hardly any reason for this Court for setting aside either of the two orders. *Ergo*, considering the nature of the impugned orders, as also the challenge made thereto by the petitioner, finding no reasons for interfering therein, the present petition is dismissed.

SAURABH BANERJEE, J

JULY 2, 2026/bh