

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

CRIMINAL WRIT PETITION (wp) No. 644 OF 2015

Akshay s/o Suryabhanji Zade

v.

The State of Maharashtra & ors.

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Courts's or Judge's orders

**Coram : B.P .Dharmadhikari and
V.M.Deshpande, JJ.**

Date : 10th DECEMBER, 2015

Heard Advocate Moon for the petitioner. Perused the application as also the reply.

Though Advocate Moon has raised several contentions in the present matter, we do not find it necessary to appreciate all of them.

Impugned order dated 20.4.2015, in paragraph 1, points out the instances and the offences allegedly committed by the petitioner. In paragraph 1-A three instances of offences are there. In paragraph 2 of that order, application of mind reveals consideration of total five offences which are stipulated in paragraph 1-A. This is factually incorrect.

Similarly, in paragraph 2 there is a reference to two offences described in paragraph 5(A) & (B) of show cause notice. Show cause notice does not have any paragraph 5 at all. Learned APP submits that reference to paragraph 5 has to be corrected and read as paragraph 4. He also adds that mention of offences at Sr.No. 1 to 5 in paragraph 1-A is also an inadvertant error and it should be read as offences at Sr.No. 1 to 3. He also submits that there are some preventive steps taken against the present petitioner.

Impugned order is of externment from entire Nagpur district for two years and, therefore, acts on personal liberty granted to the petitioner under Article 21 of Constitution of India, which is permitted if subjective satisfaction is demonstrated. Here, the instances above are sufficient to indicate that the sanctity of process of reaching subjective satisfaction has not been adhered to and followed seriously.

We, therefore, quash and set aside the impugned order dated 20.4.2015. Respondents are at liberty to pass fresh orders in accordance with law. Writ petition partly allowed and disposed of. No costs.

JUDGE

JUDGE