

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO.913 OF 2015

Mr. Pankaj S/o Bhalla Aatram

..vs..

State of Mah., thr its Secretary, Department of Home, Mantralaya, Mumbai and ors

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

Court's or Judge's Order

Shri R.R. Vyas, counsel for the petitioner.

Shri R.S. Nayak, Addl.P.P. for R-1 to 3.

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.**

DATED : DECEMBER 18, 2015.

Heard learned counsel for the petitioner Shri R.R. Vyas and learned Additional Public Prosecutor for the respondent State. Perused application, writ petition, impugned order dated 14.10.2015 so also reply.

The petitioner has been externed out of Nagpur District for a period of two years.

Only contention of learned counsel for the petitioner Shri R.R. Vyas is, all offences allegedly committed by the petitioner and looked into in externment order are from Ambazari Police Station. He further states that the petitioner has got some other arguments in relation to alleged offences, but as the impugned order does not consider the fact that the petitioner could not have been externed out of the jurisdiction of Nagpur city or Nagpur rural limits, it is excessive. He is seeking support from the

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judgment of this Court in the case of Ganesh Nilkanth Patil ...vs... Dy. Commissioner of Police & Ors reported at 2013(1) All MR Cr. 74.

Learned Additional Public Prosecutor on the other hand states that all offences are of serious nature and tendency to extort money is seen in all crimes. Hence, if he is removed from the jurisdiction of one police station, he may indulge in similar offences elsewhere.

In reply learned counsel Shri R.R. Vyas, only to show *bona fide* of the petitioner, submits that if fresh orders are directed to be passed in time bound manner, till then the petitioner shall not enter the area of Ambazari Police Station.

In view of the fair statement made by the petitioner, following law as laid down by the Division Bench of this Court mentioned *supra*, we quash impugned order dated 14.10.2015. The fresh orders shall be passed in accordance with law within next two months after communication of this order to the petitioner.

The writ petition is partly allowed and disposed of. No costs.

JUDGE

JUDGE

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