

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 675 OF 2017

Suryakant @ Bandu Ranoji Aanadekar ... Petitioner
V/s.

The Divisional Commissioner & Ors. ... Respondents

Mr. Shirish Gupte, Senior Counsel i/b. Mr. Ganesh Bhujbal for the Petitioner.

Ms.S.D. Shinde, Asst. Public Prosecutor for the State.

**CORAM : RANJIT MORE &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 15th FEBRUARY, 2017.

P.C. :

1] Heard Mr.Gupte, learned Senior Counsel for the
Petitioner and Ms.Shinde, learned Asst. Public Prosecutor for the
State.

2] The Petitioner is externed under Section 55 of the Maharashtra Police Act for a period of one year from the jurisdiction of the Pune City Police Commissionerate by an order dated 30.1.2017 passed by the Deputy Commissioner of Police, Zone-II, Pune. This order is challenged by the Petitioner by filing an appeal before the Divisional Commissioner, Pune Division, Pune. We are

told that in this petition, the Petitioner has filed an application for stay to the externment order passed by the said Deputy Commissioner, which application came to be rejected on 10.2.2017. The Petitioner being aggrieved thereby had approached this Court by invoking this Court jurisdiction under Article 226 of the Constitution of India.

3] Mr.Gupte, learned Senior Counsel for the Petitioner, at the outset, submits that the Petitioner is contesting the Election of the Pune Municipal Corporation. In support of his contention Mr.Gupte, learned Senior Counsel for the Petitioner relies upon the Acknowledgment Receipt of the Nomination Form, which is annexed at page 113 of the compilation; and as also the Nomination Form, which is annexed at page 105 of the compilation.

4] On the basis of above, Mr.Gupte, learned Senior Counsel for the Petitioner submits that the Petitioner would be satisfied if subject to the terms and conditions, which this Court deems fit, he is allowed to enter the jurisdiction of the Pune City Police Commissionerate in order to contest the Election of Municipal Corporation.

5] Ms.Shinde, learned Asst. Public Prosecutor has

vehemently opposed the submission. She invited out attention to the serious offences alleged to have been committed by the Petitioner. She submits that this is not the first time when the Petitioner is externed and he shall not be allowed to enter into the jurisdiction of the Pune City Police Commissionerate even for temporary period.

6] Having considered rival submissions, we are of the opinion that the Petitioner deserves to be permitted to enter into the jurisdiction of the Pune City Police Commissionerate for limited purpose i.e. to contest the Election of Pune Municipal Corporation for the period between 16.2.2017 to 21.2.2017, subject to the condition that during this period the Petitioner shall report to Samarth Police Station every day between 5.00 pm to 6.00 pm. The Petitioner shall leave the jurisdiction of the Pune City Police Commissionerate on 22.2.2017.

7] Writ Petition is, accordingly, disposed of.

8] All concerned shall act on the basis of the authenticated copy of this order.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]