

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 644/2017

(SHEIKH RAJIK SK. RUSTAM **VERSUS** THE ASSISTANT COMMISSIONER OF POLICE, GADGE NAGAR,
 AMRAVATI & OTHERS)

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

Court's or Judge's orders

 Shri A.K. Bhangde, counsel for the petitioner.
 Shri A.M. Joshi, A.P.P. for the R-1 to 3.

CORAM : SMT. VASANTI A. NAIK AND
M.G. GIRATKAR, JJ.

DATE : SEPTEMBER 22, 2017.

By the criminal writ petition, the petitioner challenges the order of the Deputy Commissioner of Police, Amravati City dated 05.05.2016 externing the petitioner from Amravati City and rural areas for two years.

Shri Bhangde, the learned counsel for the petitioner, states that the impugned order is liable to be set aside as the authority has not applied its mind to the material on record. It is stated that only four cases are pending against the petitioner and though the order is passed under Section 56(1)(b) of the Maharashtra Police Act, the in-camera statements of witnesses were not recorded and nobody had come forward to inform that the witnesses were not ready to depose against the petitioner.

We do not find any merit in the submissions made on behalf of the petitioner. On a reading of the impugned order, it appears that as many as four offences are pending against the petitioner and the offences are serious. Almost every year after 2013, i.e. in the years 2014 and 2015, the

petitioner is allegedly involved in crime. Also, in the year 2015, preventive action was taken against the petitioner in two matters. The submission made on behalf of the petitioner that the in-camera statements of the witnesses were not recorded before recording a finding that no witnesses were ready to come forward to depose against the petitioner is liable to be rejected as on a reading of the impugned order we find that the in-camera statements of the witnesses were recorded and they had clearly stated that because of the terror created by the petitioner in the minds of the people residing in the locality, nobody was ready to come forward to depose against the petitioner and the respondents had to make great efforts to secure the in-camera statements of two persons of the locality on the assurance of anonymity.

Since we do not find any merit in any of the submissions made on behalf of the petitioner, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE