

SSK

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

WRIT PETITION NO. 2591 OF 2017

Abdul Samad Naseer Shaikh ... Petitioner

Versus

The Deputy Commissioner of Police & ors. ... Respondents

Mr. U. N. Tripathi, for the Petitioner.
Ms. Sangita Shinde, APP for the State.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, J J.**

DATE : 6th OCTOBER, 2018.

P.C.:-

1. Heard Mr. Tripathi, the learned Counsel for the Petitioner and Ms. Shinde, the learned APP.
2. The Petitioner by this petition is challenging externment order passed under Section 56(1)(b) of the Bombay Police Act.
3. The Deputy Commissioner of Police, Circle 5, by his order dated 30th November, 2016 externed the Petitioner for a period of two years from the jurisdiction of the Mumbai Police Commissionerate. This order is confirmed by the appropriate Court under Section 60 of the Maharashtra Police Act.
4. Mr. Tripathi, the learned Counsel submits that the

competent authority has not recorded subject any satisfaction in his order to the effect that witnesses are not willing to come forward to give evidence in the subject crime against the Petitioner because of the threat to their person or property.

In the light of above submission and having gone through the impugned order, we find that the Deputy Commissioner, Circle 5, has clearly recorded his subjective satisfaction in the impugned order that the witnesses are not coming forward to give evidence against the Petitioner because of the threat to their person or property and we do not find any substance in the said submission of Mr. Tripathi.

5. The competent authority mentions that there are four cases pending against the Petitioner in addition to the preventive action initiated earlier against him on three occasions. The competent authority has also relied on in-camera statements in this regard.

Taking into consideration the facts and circumstances of the case, we are not inclined to interfere in the impugned order which is based on subjective satisfaction recorded by the competent authority and no material is brought on record by the Petitioner to demonstrate that the subjective satisfaction is vitiated in any manner. The Writ Petition therefore deserves dismissal and it is accordingly dismissed.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]