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

WRIT PETITION NO. 4322 OF 2018

Fakrealam Iqram Qureshi

... Petitioner

Versus

The State of Maharashtra & ors.

... Respondents

Mr. S. P. Nangre, for the Petitioner.

Mr. K. V. Saste, APP for the State.

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

DATE : 9th OCTOBER, 2018.

P.C.:-

1. Heard. The Petitioner by this petition seeking direction to Respondent no.4 to initiate externment proceedings against the person namely Petitioner as per the complaints dated 9th September, 2018 and 10th September, 2018, wherein it is specifically alleged that the said persons have criminal record and they are taking law in their hands and posing threat to the life of the petitioner.

We have gone through the said complaint and we are of the firm opinion that the relief sought, cannot be granted by

this Court in exercise of its power under Article 227 of the Constitution of India, since in order to initiate the externment proceedings under Section 55 or 56 of the Maharashtra Police Act, the competent authority has to arrive at a subjective satisfaction based on the material placed before it. This subjective satisfaction has to be of the competent authority and this Court cannot dictate the competent authority to reach this particular subjective satisfaction as warranted under the statute.

The learned APP, on the basis of the instructions of Mr. Killedar, API, Nagpada Police Station, makes a statement that the chapter proceedings are already initiated against the person named in the petition/complaint. Statement is accepted. In the light of above, we are not inclined to entertain this petition in the exercise of writ jurisdiction and the same is dismissed.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]