

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

CRIMINAL WRIT PETITION NO.5172 OF 2017

Sohrab Ahmad Mohd. Naim Shaikh Petitioner

versus

The State of Maharashtra & Ors. ... Respondents

.....

- Mr.Abul Hafeez Kotwala i/b. Sumaira Legal Associates,
Advocate for the Petitioner.
- Mr.Rajan Salvi, APP for the State/Respondent.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.**
DATE : 27th APRIL, 2018.

P.C. :

1. The writ jurisdiction of this Court is invoked against the order dated 02/08/2017 passed by the Divisional Commissioner, Konkan Division. By the said order the Appeal filed by the Petitioner came to be dismissed and resultantly the order dated 10/03/2017 passed by the Externing Authority came to be confirmed.

2. The Petitioner was issued a show cause notice u/s 56(1)(a) (b) of the said Act. The show cause notice refers to the offences which have been registered against the Petitioner in Bhoiwada Police Station, District Thane. The said offences are interalia u/s 353, 341, 506(II) and 34 of the Indian Penal Code. The last of the said offence has been registered in the year 2016.
3. The show cause notice also refers to the in-camera statements of the two witnesses. Insofar as the first witness (A) is concerned, he has referred to the incident which has taken place on 12/06/2016. The second witness (B) has referred to the incident dated 12/08/2016. The Petitioner was required to reply to the show cause notice within the time frame, which was mentioned in the show cause notice. The Petitioner it seems filed his reply to the show cause notice. The Externment Authority considered the said reply and on the basis of the material on record reached the subjective satisfaction that the Petitioner was required to be externed by taking recourse to section 56(1)(a)(b) of the said Act.

4. The Petitioner was accordingly externed for 15 months from Thane Commissionerate area. The Petitioner aggrieved by the said order passed by the Externing Authority, challenged the same by way of an Appeal before the Commissioner Konkan Division. The Additional Commissioner, Konkan Division, by the impugned order dated 02/08/2017 did not deem it appropriate to interfere with the order passed by the Externing Authority and the Divisional Commissioner ratified the subjective satisfaction reached by the Externing Authority in the said process.

5. As indicated above the said order passed by the Appellate Authority i.e. Divisional Commissioner, Konkan Division, which is exception by way of the above Petition. The learned Counsel appearing for the Petitioner sought to contend that having regard to the cases which have been registered against the Petitioner and the externment of the Petitioner for the duration which has been mentioned in the order passed by

the Externig Authority, is not warranted. It is not possible to accept the contention urged by the learned Counsel for the Petitioner as indicated above the offences registered are the ones u/s 353, 506 (II) of the IPC.

6. The gravamen of the allegation against the Petitioner is the interference in the work carried out by the officials of the Torrent Power Company which is the licensee for supply of electricity in the area in question. As indicated above the Externig Authority has reached the subjective satisfaction that the activities of the Petitioner are detrimental to the maintenance of peace and order in the society and that no witness is coming forward to depose against the Petitioner. In view thereof, there is no merit in the above Petition. The Writ Petition is accordingly dismissed.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)