

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.1002 OF 2017

(SUMIT RAMKRISHNA MARASKOLHE...VS.. DY.C.P. ZONE-1, NAGPUR CITY & ANR.)

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

Court's or Judge's orders

Shri R.R.Vyas, Advocate for Petitioner.
Shri S.S.Doifode, A.P.P. for Respondent Nos.1 to 4.

CORAM : Z.A.HAQ AND VINAY JOSHI, JJ.
DATED : MARCH 29, 2019.

Heard.

2. By this petition under Article 226 of the Constitution of India, the petitioner has challenged the order passed by the Deputy Commissioner of Police on 9th June 2017, directing the externment of the petitioner from Nagpur city for two years.

The facts on record show that Crime No.330 of 2012 for the offences punishable under Sections 307, 324, 143, 147 of the Indian Penal Code, Crime No. 478 of 2014 for the offences punishable under Sections 143, 147, 427 of the Indian Penal Code, Crime No.448 of 2015 for the offences punishable under Section 363 and 34 of the Indian Penal Code, Crime No.75 of 2016 for the offences punishable under Sections 324, 506 and 34 of the Indian Penal Code and Crime No. 413 of 2016 for the offence punishable under Section 435 of the Indian Penal Code are registered against the applicant.

3. The impugned order is challenged substantially on the ground that it is excessive, and the details of in-camera statements recorded by the police and on which the learned Deputy Commissioner of Police has relied, are not supplied to the petitioner. According to the petitioner, the alleged activities of the petitioner, because of which crimes are registered against him, are within the territorial jurisdiction of Pratapnagar Police Station and therefore, the order of externment requiring the petitioner to move out of Nagpur city is excessive.

The submission cannot be accepted in view of the conclusions of the Full Bench of this Court in the judgment given in the case of *Sumit Ramkrishna Maraskolhe Vs. Deputy Commissioner of Police & anr.*, in **Criminal Writ Petition No. 1002 of 2017** on 8th February 2019 (please see paragraph 26 of the judgment). One of us (Z.A.Haq, J) is party to the Full Bench judgment.

4. As far as the other submission is concerned, again it cannot be accepted in view of the conclusions in the judgment given in the case of the *Sumit Ramkrishna Maraskolhe*. In paragraph No.45 of the judgment it is recorded that it is not necessary to state in the show cause notice the details or the particulars of in-camera statements recorded by the Externment Authority and only general nature of material allegations is all that is necessary to be stated in the show cause notice. It is laid down that if the show cause notice refers in general terms to the material allegations against the proposed externnee, requirements of law are complied.

5. As we find that on facts the petitioner has not been able to point out any illegality or irregularity in consideration of the material on record and on the technical points the issues stand covered by the judgment given in the case of *Sumit Ramkrushna Maraskolhe*, we see no reason to interfere with the impugned order.

Hence, the writ petition is **dismissed**.

(VINAY JOSHI, J.)

(Z.A.HAQ, J.)

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