

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

26. CRIMINAL WRIT PETITION NO. 62 OF 2020

Mohammad Imram S/o Mohd. Latif,
age 19 years occupation education
R/o Bari Colony, Aurangabad

...Petitioner

VERSUS

1. The Deputy Commissioner of Police,
CIDCO Division, CIDCO, Aurangabad
2. The Commissioner of Police,
Police Commissioner Office, Aurangabad
3. The State of Maharashtra
Through : The Public Prosecutor,
High Court of Judicature of Bombay,
Bench at Aurangabad

...Respondents

WITH
CRIMINAL WRIT PETITION NO. 2074 OF 2019

Mohammad Imram S/o Mohd. Latif,
age 18 years occupation education
R/o Bari Colony, Aurangabad

...Petitioner

VERSUS

1. The Deputy Commissioner of Police,
Circle-II, Aurangabad City, Aurangabad
2. The Commissioner of Police,
Police Commissioner Office, Aurangabad
3. The State of Maharashtra
Through : The Public Prosecutor,
High Court of Judicature of Bombay,
Bench at Aurangabad

...Respondents

Mr. M.A. Latif, Advocate for petitioner in both the petitions (absent)
Mr. S.D. Ghayal, Addl. Public Prosecutor for Respts./State

CORAM : T.V. NALAWADE &

M.G. SEWLIKAR, JJ.

DATE : 5th January, 2021

ORDER :

The first matter i.e. Criminal Writ Petition No. 62 of 2020 is filed to challenge the order passed by the Commissioner of Police, dated 23/12/2019. Copy of the said order is not produced. It is contended that the respondents intend to take action under the provisions of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous Persons, Video Pirates, Sand Smugglers and Persons Engaged in Black Marketing of Essential Commodities Act, 1981. The second proceeding i.e. Criminal Writ Petition No. 2074 of 2019 is filed by the same person to challenge the order of show cause notice issued by the respondents of that proceeding and which is under the provisions of the Maharashtra Police Act and for the purpose of starting externment proceeding against the petitioner. As in the matter of detention the cause of action arises only after detention, this Court had asked the learned Counsel for the petitioner to satisfy this Court as to how the Court can have jurisdiction and that was done by

order dated 10th January 2020. Similarly, in the matter of externment, it is always open to a person, like the petitioner, to show cause by giving reply to the show cause notice issued under Section 59 of the Maharashtra Police Act. Thus, both the matters are premature. When it was made clear by order dated 10th January 2020 that the learned Counsel for the petitioner needs to satisfy this Court about the tenability of both the matters, the learned Counsel has not turned up. In view of these circumstances, this Court holds that both the matters need to be dismissed as not tenable. Hence, both the matters are dismissed.

Sd/-
(M.G. SEWLIKAR)
JUDGE

Sd/-
(T.V. NALAWADE)
JUDGE

Madkar