

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

CRIMINAL WRIT PETITION NO. 1776 OF 2021

Ramesh Barku Gode
Age- 24 years, Occ: Service,
Residing at Kachalane wadi,
Kivale, Tal. Maval, Dist. Pune.

...PETITIONER

Versus

1. Externment Authority and
Superintendent of Police
Rural Pune
Having Office at: Superintendent
of Police, Pune Rural, Tal &
Dist. Pune.
2. Senior Police Inspector,
Vadgaon Maval Police Station,
Taluka- Maval, District- Pune.

3. State of Maharashtra

...RESPONDENTS

Mr. Balasaheb Deshmukh for Petitioner
Mr. J.P. Yagnik, APP for State

**CORAM: S. S. SHINDE &
MANISH PITALE, JJ.**

**JUDGEMENT RESERVED ON: MAY 4, 2021
JUDGEMENT PRONOUNCED ON: JUNE 8, 2021**

JUDGMENT [PER S.S. SHINDE, J.]:

1. This petition is filed for the following substantive prayer :

“a) Be pleased to issue the Writ of Certiorari, writ in nature of Certiorari, any other appropriate Writ, order, directions calling for the record and proceedings of the impugned judgment and order dated 01.03.2021 passed in appeal no.160 of 2021 and the impugned judgement and order dated 15.12.2020 passed Externment Authority and after going to the same, be pleased to quash and set aside the impugned judgement and order dated 01.03.2021 passed in Appeal no.160 of 2021 and the impugned judgement and order dated 15.12.2020 passed by the Respondent no.1 for the reasons and circumstances mentioned herein above.”

2. The brief facts leading to the filing of the present writ petition are as under:-

On 18.12.2019, Respondent No.1 – the Externment Authority issued a notice under Section 59 of Maharashtra Police Act, 1951. On 4.12.2020, the Petitioner filed reply to the said notice and contended that issuing of show cause notice is nothing but an abuse of process of law. Respondent No.1 by his judgment and order dated 22nd July, 2020 passed an order by exercising power contemplated under Section 55 of Maharashtra Police Act of 1961, thereby externment the petitioner for a period of 6 months from four talukas of Pune District,

namely, Maval, Khed, Haveli and Mulshi. On 30.12.2020, the Petitioner approached the appellate authority i.e., Divisional Commissioner, Pune Division, Pune, by filing an appeal. On 1st March, 2021, the appellate authority rejected the appeal filed by the Petitioner and confirmed the judgment and order passed by Respondent No. 1. Hence, this petition.

3. Learned Counsel appearing for the petitioner submitted that the respondent – authority relied upon the statements of unknown witnesses in absence of any specific date, time and events mentioned in the said statements. The authority did not scrutinise or made proper enquiry of the proposal submitted by the police station. The petitioner has been falsely implicated in the said proceedings. The petitioner herein is a student and was doing agricultural work in his spare time and there was no reason to register various crimes against the petitioner. The learned Counsel invited our attention to the grounds taken in the petition and submitted that there is no nexus between the alleged activities of the petitioner and externment proceedings. Insofar as the offences registered against the petitioner are concerned, the law will take its own course and those offences will be tried before the jurisdictional Court. Therefore, relying upon the pleadings and grounds taken in the petition, the learned Counsel

submitted that the petition may be allowed.

4. On the other hand, the learned APP appearing for the Respondent – State, relying upon the reasons assigned in the impugned order and past criminal record of the petitioner, submitted that there are 14 offences registered against the petitioner. The petitioner is a habitual offender and the citizens residing within the jurisdiction of Vadgaon – Maval police station, are continuously threatened by the petitioner and his associates and frequently thefts are being committed by the petitioner and his associates. The offences registered against the petitioner are very serious and, therefore, the petition may be rejected.

5. Heard the learned Counsel appearing for the petitioner and the learned APP appearing for the State at length. With their able assistance, we have carefully perused the grounds taken in the petition, annexures thereto, copy of the original record submitted by the learned APP in relation to the externment proceedings initiated against the petitioner and we are of the opinion that the impugned order needs no interference for the following reasons. The number of cases pending against the petitioner are as under:

Sr.No.	Police Station	C.R. No.	Sections	Current Status
1.	Vadgaon Maval	200 / 2019	379,34 IPC	Subjudice
2.	Vadgaon Maval	244/2019	379, 34 IPC	Subjudice
3.	Vadgaon Maval	319/2019	457, 380, 427, 34 IPC	Under investigation
4.	Vadgaon Maval	14/2017	136 IPC	Subjudice
5.	Vadgaon Maval	63/2018	136 IPC	Under investigation
6.	Vadgaon Maval	88/2019	136 IPC	Under investigation
7.	Vadgaon Maval	90/2019	136 IPC	Under investigation
8.	Vadgaon Maval	110/2019	136 IPC	Under investigation
9.	Vadgaon Maval	110/2019	136 IPC	Under investigation
10.	Vadgaon Maval	116/2019	136 IPC	Under investigation
11.	Vadgaon Maval	157/2019	136 IPC	Under investigation
12.	Vadgaon Maval	176/2019	136 IPC	Under investigation
13.	Vadgaon Maval	211/2019	136 IPC	Under investigation
14.	Vadgaon Maval	320/2019	136 IPC	Subjudice

Apart from the aforesaid offences indulging into similar activities, the authorities have recorded in-camera statements of the witnesses and subjective satisfaction has been recorded in the impugned order after elaborate discussion. Section 55 of the Maharashtra Police Act reads as under:

“55. Dispersal of gangs and body of persons. - Whenever it shall appear in Greater Bombay and in areas in which a

Commissioner is appointed under section 7 to the Commissioner and in a district to the District Magistrate, the Sub-Divisional Magistrate or the Superintendent empowered by the State Government in that behalf, that the movement or encampment of any gang or body of persons in the area in his charge is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such officer may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such officer thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or disperse and each of them to remove himself outside the area within the local limits of his jurisdiction or such area and any district or districts, or any part thereof, contiguous thereto within such time as such officer shall prescribe, and not to enter the area for the areas and such contiguous districts, or part thereof, as the case may be, or return to the place from which each of them was directed to remove himself.

6. The respondents have brought on record the events when the petitioner started working in the gang of one Shri Mahantesh Prakash Zende, Sanjay Baban Pichad and Vitthal Baban Pichad. Insofar as Mahantesh Prakash Zende is concerned, 14 offences have been registered against him and all his gang members including present petitioner. It appears that the petitioner and his associates are posing serious danger to the person and property of the citizens residing within the jurisdiction of Maval police station. The respondents have

brought on record various and continuous alleged activities of the petitioner and his associates of committing thefts and causing danger to the life of the citizens residing within the jurisdiction of Maval police station.

7. On overall consideration and keeping in view the material on record, we are of the opinion that the reasons given in impugned order are in consonance with the mandate of section 55 and the material brought on record. No case is made out to cause interference in the concurrent findings recorded by the authorities below. The petition is devoid of any merit and the same is rejected.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)