

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

CRIMINAL WRIT PETITION NO. 1586 OF 2022

SUDARSHAN MOHAN SHINDE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioners : Mr. Katneshwarkar S.P

APP for Respondent/State : Smt. D. S. Jape

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CORAM : KISHORE C. SANT, J.

DATE : 21st NOVEMBER 2022.

Per Court :

1. This is a Criminal Writ Petition, seeking direction to the Divisional Commissioner, Aurangabad (Respondent No.2 herein) to decide the Appeal No. 114/2022 pending before him, filed by these Petitioners challenging an order of externment dated 03.11.2022 passed by the learned Externment Authority/ Superintendent of Police, Hingoli.

2. It is the case of Petitioner No.1 that he is in the field of Politics and he wants to contest the election. By the order dated 03.11.2022, Petitioners are directed not to enter the limits of Hingoli District. The

order is passed under Section 55 of the Maharashtra Police Act. The Petitioners have preferred an appeal, in which the first date is 09.01.2023. He submits that now election to the Agriculture Produce Market Committee (A.P.M.C. for short), are declared and he is desirous of filing of the form from reserved constituency. He has to fill up the form by 17th to 23rd November, 2022. He submits that because of this externment order, he is not in a position to take a part in the election process of A.P.M.C. He has made two prayers, first to direct the Respondent No.2/Divisional Commissioner to decide his appeal at the earliest. Secondly, he has filed application seeking stay to the order dated 03.11.2022. However the said is not decided and the first date is granted as 09.01.2023. He submits that because of this he would loose his valuable right to participate in the election process.

3. Considering these prayers, learned APP was directed to take instructions by order dated 16.11.2022. Today, learned APP has submitted some material pointing out that this Petitioner is indulged into the illegal activities creating some law and order situation. There are persons who are not coming forward to give statement because of his activities.

4. Considering all these aspects, it would be desirable to allow the Petitioner No.1 to enter in the District of Hingoli only for the purpose of election of A.P.M.C. It would be desirable to take an undertaking from the Petitioner that if he indulges in the illegal activity, this order will be liable to be cancelled. Hence the following order.

ORDER

- (i) The Petitioner No.1 is allowed to enter into the Hingoli District only for the purpose of contesting the election to A.P.M.C.
- (ii) The Petitioner No.1 shall give an undertaking to the Externment Authority/ S.P, Hingoli if in case he is found indulging into any criminal/illegal activity, this order will be cancelled.
- (iii) The Respondent No.2 is directed to decide the appeal pending before him bearing Appeal No. 114/2022 by the end of February, 2023.
- (iv) This order is only in respect of Petitioner No.1.
- (v) The Respondent no.2 shall decide the stay application within two weeks from today.
- (vi) Parties to act upon the authenticated copy.
- (vii) With this, Writ Petition is disposed off.

[KISHORE C. SANT, J.]