



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

CRIMINAL WRIT PETITION NO.1334 OF 2023

Dharmaraj S/o Ramji Bodakhe.

... Petitioner

Versus

The State of Maharashtra and others.

... Respondents

...
Mr. Vilas P. Savant. Advocate for Petitioner.

Mr. Mahesh K. Goyanka, APP for the Respondents.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 17th January, 2024.

P.C.:

1 Not on board. Mentioned. Taken on board.

2 The petitioner has challenged the order dated 15th May, 2023 passed by respondent No.3, which was modified by the appellate authority / respondent No.2 by judgment dated 7th August, 2023. The petitioner has prayed for quashing the impugned order on the ground that he is having 60% permanent disability of leg. The learned counsel for petitioner pointed out the grounds of objection that the order is illegal, arbitrary as it is excessive in nature. He pointed out that the alleged offences relied upon by respondent No.3 are

registered at Police Station Akhada Balapur, Taluka Kalamnuri, District Hingoli. However, the petitioner is externed from entire Hingoli district, as well as, Pusad Taluka, District Yavatmal and entire Nanded district for one year. The learned counsel for petitioner, therefore, prayed to quash and set aside the said order.

3 The learned APP for the State strongly opposed this petition and submitted that though the petitioner is handicapped, he is involved in the serious crimes. The learned APP further submitted that there are reasonable grounds for believing that the petitioner's activities are prejudicial to the maintenance of public order. The learned APP lastly submitted that respondent No.2 has corrected that order and removed its excessive nature by correcting it. Therefore, no interference is warranted. He lastly prayed to dismiss the petition.

4 The learned counsel for petitioner pointed out the authority of this Court in case of **Ravi Ramdas Aher Vs. State of Maharashtra, 2018 DGLS (Bom.) 1921**, paragraph 8, in which it is held that once this Court has reached to the conclusion that, the externment orders are excessive, the same deserve to be quashed in its entirety.

5 Considering the submissions of both the sides and on perusal of the impugned order, as well as, the order of the appellate authority and the ratio laid down in the authority of **Ravi Ramdas Aher**

(supra), the impugned order is excessive in nature and therefore, deserves to be quashed and set aside. The writ petition is therefore, allowed in terms of prayer clause (B).

[SANJAY A. DESHMUKH, J.]

nga