

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2574 OF 2024**

Mr. Deepak Harilal Jaiswal & Anr.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Sanjeev Kadam, Senior Advocate a/w Mr. Ramdas Hake Patil & Mr. Sohail Mujawar for the Petitioners.

Mr. Anand S. Shalgaonkar, APP for the Respondent-State.

CORAM Dr. Neela Gokhale, J.

DATED: 26th June 2024

PC:-

1. The Petitioners assailed Order dated 12th April 2024 passed by the Respondent No. 2 herein rejecting the Appeal preferred by the Petitioners under Section 60 of the Maharashtra Police Act, 1951 ("the Act") against Order dated 20th March 2024 passed by the Respondent No. 3 herein. By Order dated 20th March 2024, the Petitioners have been externed for a period of 18 months from Mumbai City, its Suburban and District-Thane.

2. Mr. Sanjeev Kadam, learned counsel appearing for the Petitioners have drawn my attention to the provisions of Section 55 of the Act as well as the decision of this Court passed in the case of *Vijay Lalso Jadhav v. State of Maharashtra through Special Secretary, Home Department and Others alongwith another Writ Petition*¹.

1. 2013 SCC OnLine Bom 1432.

According to Mr. Kadam, the Order has selectively externed only the Petitioners on the ground that the Petitioners are members of a gang and the movement of Petitioners and its gang is causing danger and alarm and on reasonable suspicion that unlawful business is entertained by them. According to Mr. Kadam, the application of Section 55 of the Act cannot be directed against only two of them on a selective basis.

3. Mr. Anand S. Shalgaonkar, learned APP has drawn to my attention the findings in paragraph no. 5 of the impugned Order passed by the Respondent No. 2, wherein it is specifically observed that there is a danger to the life of certain secret witnesses at the hands of Petitioners.

4. Learned APP requests two weeks time to file a reply to the Petition. On that date the request of Petitioners for grant of interim relief to Petitioner No. 2 on the ground that she is a lady having two minor children, may be considered.

5. At the request of learned APP, stand over to 10th July 2024.

(Dr. Neela Gokhale, J.)

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