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

38 CRIMINAL WRIT PETITION NO. 1474 OF 2024

SACHIN S/O DEVINDAR GHALOT

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

.....Respondents

Mr. Narayan Y. Chavan, Advocate h/f Mr. G. T. Kharate, Advocate
for the petitioner

Mrs. A. S. Deshmukh, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 10th JUNE, 2025

P. C.

1. Heard the learned advocates for the parties.
2. The present petitioner challenges the order dated 08-04-2024 passed by the learned Divisional Commissioner, Chh. Sambhajinagar rejecting the appeal of the petitioner against the externment order dated 10-01-2024 passed by the learned Superintendent of Police, Hingoli.

3. The action is taken as the petitioner was found indulging into criminal activities in nature. The police therefore, moved a proposal for taking action under Section 55 of the Maharashtra Police Act. The Superintendent of Police, Hingoli on considering the proposal and giving hearing to the parties and on the basis of secrete statements of two persons passed an order on 10-01-2024 directing the petitioner and one Jogindarsingh not to enter in the boundaries of the Hingoli District. The learned Divisional Commissioner by order dated 08-04-2024 confirmed the said order.

4. The learned advocate for the petitioner vehemently argued that there is no sufficient material against the present petitioner who is shown to be accused No.2 in the order. All the offences are registered only against the accused No.1- Jogindarsingh. The petitioner is shown as accused only on two offences i.e. one registered with Wasmat City Police Station bearing FIR No. 460 for the offence under Section 457 and 380 of the IPC. Other is registered as FIR No. 370/2023 with the

same City Police Station. That offence is registered under Section 457, 380, 427, 511, 34 of the IPC. He submits that except these two offences there is no criminal cases pending against the petitioner. This much material is not sufficient to come to conclusion that he is involved in criminal activities. In both these offences, he is already released on bail. There is nothing found thereafter against the petitioner. He is presently working as labourer. Action is wrongly taken against him. He, thus, prays for allowing the petition.

5. The learned APP vehemently opposed the petition. She submits that a proposal was moved to extern the petitioner. There are two offences registered against the petitioner. Looking to the history of another accused in the said crime, it is clear that he is involved in the organized criminal activities. The learned Divisional Commissioner has also rightly considered all these aspects and has rejected the appeal. She invited attention to the secrete statements recorded before the SDO, Hingoli. She, thus, prays for rejection of the petition.

6. This court has gone through the material on record. Except the offences as mentioned above, there is no other offences filed against the petitioner. The offences are registered with Wasmat City Police Station. There is nothing to show that there is danger even to people outside Wasmat city. The Secret statements show that those are mainly against the Jogindarsingh. Only allegations against the present petitioner is that he is seen in the company of Jogindarsingh. This court thus finds that material against the petitioner, shows that at the most he is involved indulging into the criminal activities in Wasmat City. Order externing him from entire District of Hingoli thus, appears to be unreasonable and in excess.

7. Considering above, this court finds that said order needs to be modified. The impugned order passed by the learned Divisional Commissioner is thus modified only to the extent that the petitioner shall stand externed from Wasmat Taluka only for remaining period.

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8. With this, the criminal writ petition stands disposed off.

[KISHORE C. SANT, J.]

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