



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 504 OF 2025

- 1] **Akash @ Guddya s/o Dnyaneshwar Jadhav,**
Age: 23 years, Occu: Labour,
R/o. Santnagar, Paithan,
Tq. Paithan, Dist. Chh. Sambhajinagar,
(Aurangabad).
- 2] **Parshuram @ Parshya s/o. Madhukar Waghmare,**
Age: 30 years, Occu: Labour,
R/o. Santnagar, Paithan,
Tq. Paithan, Dist. Chh. Sambhajinagar,
(Aurangabad).

...PETITIONERS

VERSUS

- 1] **The State of Maharashtra**
Through The Secretary of Home Department,
Mantralaya, Mumbai-32.
- 2] **The Divisional Commissioner,**
Division Chh. Sambhajinagar,
Chh. Sambhajinagar, (Aurangabad).
3. **The Superintendent of Police (Rural),**
Chh. Sambhajinagar, (Aurangabad).
- 4] **The Sub Divisional Officer,**
Paithan, Tq. Paithan, Dist. Chh. Sambhajinagar,
(Aurangabad).
- 5] **The Police Inspector,**
Paithan Police Station,
Tq. Paithan, Dist. Chh. Sambhajinagar,
(Aurangabad).

...RESPONDENTS

Mr. A. L. Kanade, Advocate for the Petitioners.

Smt. M. N. Ghanekar, APP for Respondent Nos. 1 to 5-State.

CORAM : KISHORE C. SANT, J.

RESERVED ON : 13th JUNE 2025

PRONOUNCED ON : 23rd JUNE 2025

FINAL ORDER :-

1. Heard Mr. Kanade, the learned Advocate for the petitioners, and Smt. Ghanekar, the learned APP for Respondent/State.
2. The petitioners have challenged an order dated 26th March 2025, passed by the learned Divisional Commissioner, Chh. Sambhajinagar (Aurangabad), under Section 60 of the Maharashtra Police Act, 1951, rejecting the appeal against the externment order dated 8th January 2025, passed by the learned Superintendent of Police, Chh. Sambhajinagar.
3. The facts, in short, are that the authorities sent a proposal to take an action of externment against both the petitioners. There are seven cases considered against the petitioner No.1, which are pending. Five

cases are considered against the petitioner No.2. All the cases are registered at Paithan Police Station, Dist. Chh. Sambhajinagar.

4. The learned Advocate for the petitioners vehemently argued that the authorities have failed to consider that there was no sufficient material and sufficient ground to pass externment order. All cases are registered only with the Paithan Police Station, and still, the order is passed externing both the petitioners from District Chh. Sambhajinagar.

5. In support of his submissions, he relied upon the following judgments:

- (i) *Shoeb @ Sharif @ Shafya Khan Aasif Khan and Ors. Vs. The State of Maharashtra and Ors. Writ Petition No.638 of 2021 (Aurangabad Bench).*
- (ii) *Dipak Sudhakar Patil Vs. the State of Maharashtra Writ Petition No.159 of 2021 (Aurangabad Bench).*
- (iii) *Ajay Ghansham Barandwal Vs. The State of Maharashtra and Ors. in Writ Petition No. 1669 of 2023 (Aurangabad Bench).*

6. Smt. Ghanekar, the learned APP appearing for Respondent/State, vehemently argued that there is live link between the offences and the

order. All the cases pending against the petitioners are serious in nature. Because of fear in minds, the general public is not coming forward to give statements against these petitioners. The judgments which are cited by the learned Advocate for the petitioners are not applicable. The offences are against body, which clearly shows the tendency of the petitioners to threaten the public at large. While passing the impugned order, the learned Superintendent of Police considered the secret statements of two persons clearly showing the apprehension in the minds of the general public. She thus prays for rejection of the writ petition.

7. In support of her submissions, she relied upon the following judgments:

- (i) *Vikesh @ Vicky Vitthalrao Deshattiwar Vs. The Divisional Commissioner, Amravati and Ors. passed by this Court at Nagpur Bench in Writ Petition No.263 of 2024.*
- (ii) *Dinesh s/o. Prakash Sonar Vs. The State of Maharashtra and Ors. passed by this Court at Aurangabad Bench in Writ Petition No.629 of 2015.*

8. This Court has considered the cases pending against the

petitioners. There are seven cases pending against the petitioner No.1. In two cases, offences are alleged under Sections 307, 143, 147, 148, 149, 379, 336, 323, 144, 504 and 506 of the IPC. In three cases, there are allegations of offences under Sections 323, 324, 504, 506, 143 and 147 of the IPC. In one case, the alleged offences are under Sections 326, 324, 323, 504, 143, 147, 148, 149 and 427 of the IPC, and in one case, offences under Sections 325 and 323 of the IPC. All the cases are from 2019 till 2024.

9. So far as petitioner No.2 is concerned, there are five cases pending against him in which the petitioner No.1 is also an accused. One case is under Sections 307, 143, 147, 148, 149, 504 and 506 of IPC and Section 135 of Maharashtra Police Act. In two cases, offences are under Sections 324, 323, 143, 147, 504 and 506 of IPC and in two cases offences are under Sections 326, 324, 323, 143, 147, 148, 149, 427, 504 and 506 of the IPC.

10. Looking at these cases, it is clear that all the offences are against the body. The sections also shows that there is certainly public

disturbance due to the activities of the petitioners. However, all the cases are only from Taluka Paithan still the externment order is passed for entire district. This Court has considered the judgments cited by the learned Advocate for the petitioners.

11. Considering the judgments and the facts involved in the matter, as well as the offences pending against the petitioners, this Court does not find any perversity or illegality committed by the authorities while passing the impugned order. Only what appears is that when the offences are pending only in one police station, i.e., Paithan Police Station, the petitioners are externed from entire District. This Court finds that to that extent, the order appears to be excessive. The impugned order is therefore modified and is restricted only to extent of Paithan Taluka. The remaining order is maintained as it is.

12. Petition is, thus, partly allowed in above terms and is disposed off.

13. Criminal Applications, if any, stand disposed off.

[KISHORE C. SANT, J.]