



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

CRIMINAL WRIT PETITION NO. 1025 OF 2025

Pralhad @ Dayaram S/o. Ramprasad Jugsainiya

-- VERSUS --

The Sub-Divisional Police Officer and Magistrate, Katol and Others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S.N. Bhattad, Advocate for the Petitioner.
Mr. G.S. Umale, A.P.P. for the Respondents/State.

CORAM : M.M. NERLIKAR, J.

DATE : DECEMBER 22, 2025.

Heard the learned counsel for the petitioner and learned A.P.P. for the respondents.

2. It appears that the order of externment was passed by respondent No.1 on 10/11/2025 by exercising powers under Sections 56(1)(a) & (b) of the Maharashtra Police Act, 1951. The basis for passing the said order are the offences registered against the petitioner, including one preventive action. An appeal was preferred under Section 60 of Maharashtra Police Act against the aforesaid externment order which came to be dismissed vide order dated 05/12/2025 by the Divisional Commissioner, Nagpur.

3. Learned counsel appearing for the petitioner submits that respondent No. 1 has

absolutely failed to consider the nature of crimes committed by the petitioner. Three cognizable offences are registered against the petitioner and the nature of these offences are individual in character. All the offences are registered by sister-in-law of the petitioner. He further submits that the purport of Sections 56(1)(a)&(b) of the Maharashtra Police Act is different. The petitioner cannot be branded as a habitual criminal as the offences are registered by his sister-in-law in individual capacity. It is further submitted that there is non-compliance of Section 56(1)(b) of the Maharashtra Police Act and that the notice issued to the petitioner under Section 59 of the Act does not satisfy the requirements of Section 56(1)(b) as notice does not contain the gist of material allegations so also it does not show whether the incamera statements are recorded or not. Accordingly, he submits that the impugned order was passed without application of mind and by giving a go-by to all the provisions of the Maharashtra Police Act.

4. On the other hand, the learned A.P.P. supports the impugned order passed by respondent No. 1 and submits that three cognizable and two non-cognizable offences are registered against the petitioner. Even preventive action under Sections 126 and 135 of BNS are taken, however, there was no

improvement in the behaviour of the petitioner, and therefore, as a last resort, the order of externment was passed. He submits that the impugned order is a well-reasoned and self-speaking order and prayed to reject the petition.

5. I have heard the learned counsel for the petitioner and learned A.PP. I have also perused the record placed before me by the learned A.PP. At the threshold, it could be gathered that the enquiry under Section 59 of the Maharashtra Police Act is the backbone of the externment proceedings. However, if the enquiry was not conducted in accordance with law, the entire proceedings stands vitiated. After going through the notice issued to the petitioner under Section 59 of the Act by the Sub-Divisional Police Officer, Katol, wherein it appears that the material allegations were not disclosed to him. It further appears that, even the in-camera statements recorded by the sponsoring Authority, there is no gist of the allegations which can be said to be disclosed to the petitioner. Section 59 of the Maharashtra Police Act specifically states that the officer shall inform the person, in writing, of the general nature of material allegations against him and he may give a reasonable opportunity of tendering an explanation regarding them. In the absence of gist of material allegations, in my considered opinion, the entire proceedings

initiated under Section 56 of the Maharashtra Police Act is vitiated.

6. It is further to be noted that though the learned A.P.P. submits that in-camera statements are recorded, neither in Section 59 notice nor in the impugned order, there is reference of in-camera statements, and therefore, it could be safely gathered that without application of mind the Authority has passed the impugned order. It is further to be noted that the offences registered against the petitioner are in individual capacity and does not affect public at large. The very purpose and object of these externment proceedings is to curb the activities affecting society at large of the externee and further to prevent him from committing crimes in future. However, when there are offences which are registered in the individual capacity, which does not affect the public at large, those offences cannot be considered. It is further to be noted that, in the absence of compliance with Section 56(1)(b) and Section 59 of the Maharashtra Police Act, the impugned order cannot be sustained. All these factors ought to have been considered, at least, in the appeal which was preferred by the petitioner under Section 60 of the Maharashtra Police Act. However, even the Divisional Commissioner has lost sight of this fact and without application of mind and without

adhering to the provisions of law has passed the impugned order.

7. Considering the above facts and circumstances, the petition succeeds. The impugned order dated 10/11/2025 passed by Sub-Divisional Magistrate, Katol, and the order dated 05/12/2025 passed by Divisional Commissioner, Nagpur, in Appeal No.155/2025, are hereby quashed and set aside.

[M.M. NERLIKAR, J]