



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

CRIMINAL WRIT PETITION NO. 336 OF 2025

Karan Ashok Dakaha & Ors.

Vs.

State of Maharashtra, through Secretary & Ors.

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

Court's or Judge's orders.

Ms. Shweta Wankhede-Chavhan, Advocate for the Petitioners.
Mr. S.S. Hulke, APP for Respondent Nos.1 to 3.

CORAM : NITIN W. SAMBRE AND VRUSHALI V. JOSHI, JJ.
DATE : 21st APRIL, 2025.

P.C.

1. Heard.
2. Issue notice to the respondents, returnable on 11th June, 2025.
3. Mr. S.S. Hulke, learned Additional Public Prosecutor waives service of notice for the respondent Nos.1 to 3.
4. The counsel for the petitioners submits that the orders passed in exercise of powers under Section 55 of the Maharashtra Police Act, 1951 (for short, "the Act of 1951") on November 12, 2024 so also by the Appellate Authority in exercise of powers under Section 60 of the Act of 1951 on March 10, 2025 are required to be stayed for the reason that the petitioners, who are in blood relations with each other, are falsely implicated in the offences. According to her, the property dispute *inter se* between the same family has given rise to registration of the offences in question and as such the intention of the petitioners cannot be inferred to be detrimental to the maintenance of public order or otherwise.

5. The learned Additional Public Prosecutor has opposed the prayer for grant of interim relief. According to him, neither the order of externment passed on November 12, 2024 is challenged in the petition nor same is placed for reference before the Court and what is questioned is only the appellate order. It is further claimed that the contentions raised by the counsel for the petitioners cannot be appreciated at this stage in the absence of the supporting material to that effect in the form of charge-sheet or other documents in relation to the offences, which are formed to be the basis for passing the order as referred to in the appellate order dated March 10, 2025.

6. We have considered the submissions.

7. The fact borne out of the record is that the order of externment passed under Section 55 of the Act of 1951 on November 12, 2024 is neither questioned nor produced before the Court.

8. Apart from above, the contention of the petitioners that the petitioners are falsely implicated in the offences and there is no material to justify the exercise of powers under Section 55 of the Act of 1951 cannot be appreciated. That being so, the prayer for grant of stay stands rejected.

(VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)