IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2125 OF 2026

ARJUN VITTHAL KUDHEKAR

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Date: 2026.08.19 13:02:37 +0530

Mohd Anjum Ashraf Shaikh ...Petitioner

Versus

The State of Maharashtra ...Respondent

Mr. Arif Siddiqui a/w Farheen Sheikh a/w Siraj Ansari, Noman Khan, Makhdoom Shaikh, Essa Shaikh & Tahir Qureshi, for the Petitioner.
Mr. S. S. Ghag, APP, for the Respondent-State.

Coram: Madhav J. Jamdar, J.
Date: August 18, 2026

P.C.:

1. Heard Mr. Siddiqui, learned Counsel appearing for the Petitioner and Mr. Ghag, learned APP, for the Respondent-State.

2. By this Writ Petition filed under Article 226 of the Constitution of India, the Petitioner is challenging the legality and validity of the Order dated 19th September 2025 passed by the Deputy Commissioner of Police, Zone-6, Chembur, Mumbai, in Externment Case No.379 of 2025 as well as the Order dated 27th March 2026 passed by the Divisional Commissioner, Konkan Division, in Externment Appeal No.170 of 2025.

3. Perusal of the record shows that the Externing Authorities have taken into consideration the following offences registered against the Petitioner:

Sr. No.	Police Station	FIR/Sections	Date of Register	Court Cases	Status
1	Nehru Nagar	C.R. No.37/98 Sections 323, 324 & 114 of IPC	10/03/1998	527/PW/1998 dated 14/09/1998	Settled in Lok Adalat
2	Nehru Nagar	C.R. No. 152/98 Sections 457 & 380 of IPC	27/07/1998	327/PW/1999 dated 03/05/1999	Acquittal
3	Nehru Nagar	C.R. No. 154/198 Section 387 & 34 of IPC	29/07/1998	122/PW/1999 dated 28/04/1999	Acquittal
4	Chunabhatti	C.R. No. 111/2012 Section- 506(2) & 34 of IPC	02/07/2012	1434/PW/ 2012 dated 12/10/2012	Acquittal
5	Chunabhatti	C.R. No. 234/2024 Sections 385, 341, 324, 323, 504, 506(2) & 34 of IPC	12/06/2024	2454/PW/ 2024 dated 09/12/2024	Acquittal
6	Chunabhatti	C.R. No. 254/2025 Sections 285, 351(2), 318(4) and 3(5) of BNS	16/05/2025		Under investigation

4. A perusal of the above chart clearly shows that as the offence bearing CR No.254 of 2025 was under investigation, the same could not have been taken into consideration by the Externing Authorities, as it is the settled legal position that the offence which is under investigation cannot be taken into consideration while passing the externment order.

5. Insofar as the offence of the year 2024 bearing CR No.234 of 2024 is concerned, the Applicant has been acquitted. In any case, the said offence is of the year 2024 and there is no live-link for taking action of externment in the year 2025. Other three offences are of the year 1998 and one offence is of the year 2012. Obviously, the said offence cannot be taken into consideration while passing the externment order.

6. Accordingly, the Order dated 19th September 2025 passed by the Deputy Commissioner of Police, Zone-6, Chembur, Mumbai, in Externment Case No.379 of 2025, and the Order dated 27th March 2026 passed by the Divisional Commissioner, Konkan Division, in Externment Appeal No.170 of 2025, are quashed and set aside.

7. The Writ Petition is disposed of in above terms.

[Madhav J. Jamdar, J.]