

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1364 OF 2026

Rutik Sunil Dhasal & Ors.	...Petitioners
<i>Versus</i>	
The State of Maharashtra & Ors.	...Respondents

Mr. Rahul Kadam a/w. Mr. Vedant Babar, for the Petitioners.
Ms. S. M. Yadav, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 16th JUNE 2026

JUDGMENT:-

1. Heard Mr. Rahul Kadam, learned Counsel appearing for the Petitioners and Ms. Yadav, learned APP appearing for the Respondent-State.

2. By the present Writ Petition, the challenge is to the legality and validity of the order dated 18th November 2025 passed by Respondent No.3-Deputy Commissioner of Police, Zone-II, Pimpri-Chinchwad, Pune in Externment Order No.85 of 2025, and the order dated 6th March 2026 passed by Respondent No.2-Divisional Commissioner, Pune Region, Pune in Externment/Appeal/SR/276/2025.

3. By the impugned order dated 18th November 2025, the Petitioners have been externed for a period of two years from the area of operation of the Pimpri-Chinchwad Police Commissionerate, Pune City and Pune District. The said order was confirmed by the Appellate Authority by the impugned order dated 6th March 2026.

4. Although Mr. Rahul Kadam, learned Counsel appearing for the Petitioners raised several contentions, the relevant contention is that while passing the impugned order dated 18th November 2025, the Deputy Commissioner of Police, Zone-II, Pimpri-Chinchwad, Pune has taken into consideration factors that were not mentioned in the Show Cause Notice.

5. It is the contention of Mr. Rahul Kadam, learned Counsel appearing for the Petitioners that in the impugned order dated 18th November 2025 one of the factor taken into consideration was that, to ensure a free and fair election, it was necessary to extern the Petitioners. He submits that the said factor was not mentioned in the Show Cause Notice.

6. To substantiate the contention that no extraneous aspect be taken into consideration which is not mentioned in the show cause notice, he relies on the decision of this Court in the case of *Sujit Madhukar Patil vs. Secretary of the Home Department, Mantralaya Mumbai & Anr.*¹ as also in the case of *Ganpat @ Ganesh Tanaji Katare vs. Assistant Commissioner of Police & Ors.*²

7. On the other hand, Ms. Yadav, learned APP appearing for the Respondent-State pointed out that a detailed Show Cause Notice dated 22nd October 2025 was issued pointing out that the movement or encampment of any gang or body of persons in the area in his charge is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members, as contemplated under Section 55 of the Maharashtra Police Act. She, therefore, submits that no interference in the impugned orders is warranted.

8. A perusal of the record shows that the impugned order dated 18th November 2025 *inter alia* records as under:

1 Criminal Writ Petition No.2039/2009

2 2006(1) Mh. L.J.

“टोळी प्रमुख व त्यांचे सदस्य हे मारहाण करून दहशत करणे असे गुन्हे वारंवार करीत असून त्यामुळे टोळी प्रमुख व त्यांचे टोळी सदस्यांचे विरुद्ध ठोस परिणामकारक प्रतिबंधक कारवाई करणे अत्यंत गरजेचे आहे. प्रस्तावीत तडीपार इसम यांचे गुन्हेगारी पार्श्वभूमीचा व असलेल्या दहशतीचा फायदा घेवून आगामी काळात होणारे निवडणुकीच्या काळात त्यांचेकडून दखलपात्र अपराध घडून निवडणुक काळात कायदा सुव्यवस्था बिघडवून सार्वजनिक शांततेस बाधा निर्माण होण्याची शक्यता आहे. आगामी निवडणुका निर्भयपणे व निपक्षपाती वातावरणात पार पाडण्याकरीता त्यास तडीपार करण्याशिवाय पर्याय नसल्याचे दिसून येत आहे.”

(Emphasis added)

9. Perusal of the record also shows that although a very detailed Show Cause Notice was issued to the Petitioners, the above reason given in the impugned order dated 18th November 2025 is completely absent in the Show Cause Notice issued under Section 55 read with Section 59 of the Maharashtra Police Act.

10. A learned Single Judge in the said case of *Sujit Madhukar Patil* (supra), held that it is a settled position of law that an order which is based on certain facts not mentioned in the Show Cause Notice is an order passed in contravention of Section 59 of the Bombay Police Act. In the case of *Ganpat @ Ganesh Tanaji Katare* (supra), this Court held that if reliance is placed on extraneous material in an externment order, then the order is bad in law.

11. In view of the law laid down in the case of *Sujit Madhukar Patil* (supra) and *Ganpat @ Ganesh Tanaji Katare* (supra), there is substance in the contention raised by Mr. Rahul Kadam, learned Counsel appearing for the Petitioners, that extraneous material was taken into consideration while passing the impugned order.

12. Accordingly, the Writ Petition is disposed of by passing the following order:

ORDER

- i. The order dated 18th November 2025 passed by Respondent No.3- Deputy Commissioner of Police, Zone-II, Pimpri-Chinchwad, Pune in Externment Order No.85 of 2025, as well as the order dated 6th March 2026 passed by the Divisional Commissioner, Pune Region, Pune in Externment/Appeal/SR/276/2025 are quashed and set aside.

13. The Writ Petition is disposed of in the above terms.

SONALI
MILIND
PATIL

Digitally
signed by
SONALI
MILIND
PATIL
Date:
2026.06.16
10:44:57
+0530

[MADHAV J. JAMDAR, J.]