



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.967 OF 2025

Vijay s/o Balwant Rai and ors. ..vs..State of Maharashtra and ors.

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

Court's or Judge's orders

Shri S.H. Nagrale, Advocate for the petitioners.
Shri A.M. Joshi, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 09/01/2026.

Heard learned Counsel for the petitioners and learned Additional Public Prosecutor appearing for the State.

2. Learned APP fairly submits that in impugned orders dated 30.10.2025 and 02.08.2025, the Externig Authority has referred one notice dated 11.07.2025 issued under Section 59(1) of the Maharashtra Police Act to all the persons against whom the proceedings of externment was initiated. He further submits tthe recording of statement A and B are reflected in the impugned order. However, the notice itself is not issued on 11.07.2025, the Externig Authority ought not to have stated about the in-camera statement in the impugned order.

3. Apparently, the notice was issued to the petitioners on 04.01.2025. In that notice, admittedly, there was no reference of in-camera statements whereas in the impugned order, there was no reference of the notice dated 04.01.2025. Therefore, it appears that, it is totally non-application of mind by the Externig Authority, when the notice dated 11.07.2025 itself is not

in existence then there is no question of issuing the said notice to the present petitioners.

4. Even the appellate Court has failed to take into consideration this aspect. In fact the notice contemplated under section 59(1) is the important stage, wherein the opportunity was required to be given.

5. However, it appears that though the notice dated 04.01.2025 under Section 59(1) was issued to the petitioners, however that notice did not state about the recording of in-camera statements.

6. All these aspects have not been considered by the Appellate Authority also. Absolutely, it is a non-application of mind by both the authorities. Hence, I am inclined to allow the present petition and pass the following order :

- (a) The Criminal Writ Petition is allowed.
 - (b) The impugned order dated 30.10.2025 passed by the respondent no. 1 Divisional Commissioner, Nagpur and order dated 02.08.2025 passed by the respondent no. 2 Superintendent of Police, Nagpur (Rural) is hereby quash and set aside.
7. The Criminal Writ Petition stands disposed of accordingly.

(M.M. NERLIKAR, J.)