



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

CRIMINAL WRIT PETITION NO. 1057 OF 2025

Mohan @ Ajju s/o Prakash Bhusari, aged 26
years, Occ. Private Work, r/o Sant Chokhoba
Ward, Hinganghat, Tq. Hinganghat, District
Wardha. (At present externee)

... PETITIONER

VERSUS

1. State of Maharashtra, through Sub Divisional
Magistrate, Civil Lines, Railway Station Road,
Hinganghat, dist. Wardha.
2. Police Inspector, Police Station, Hinganghat,
Dist. Wardha.
3. Divisional Commissioner, Nagpur Division,
Nagpur.

... RESPONDENTS

Shri N.K. Bhangde, Advocate h/f Shri A.K. Bhangde, Advocate for
the petitioner.
Ms S.Z. Haider, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 23.01.2026.

ORAL JUDGMENT :

1. **RULE.** Rule made returnable forthwith.

2. Heard the learned Counsel for petitioners and learned APP appearing for the State.

3. The only ground raised by the petitioner is that the crime which were registered in the year 2017, 2018, 2019, 2021, 2022 and 2023 have been taken into consideration. These offences were registered long back, and therefore stale offences have been considered. Learned Counsel for the petitioner further submits that there is no live link between the last committed offence i.e. 22.11.2023 and the order of the externment passed on 15.07.2025. Merely the offences being registered against the petitioner would not be sufficient in order to extern the petitioner, however the Authorities ought to have shown the live link between the last committed offence and the order of externment. However in the entire order, there is nothing to show that the Authority has observed anything about this which amounts to non-application of mind. Even the petitioner has preferred the appeal under Section 60 of the Maharashtra Police Act, however the Divisional Commissioner has not considered these factors and the very object for which provisions are incorporated in the Maharashtra Police Act, has been grossly misunderstood and misinterpreted and the Divisional Commissioner has not applied his mind and mechanically passed the order. Hence, the petitioner prays to allow the petition.

4. On the other hand the learned APP vehemently opposes the petition by submitting that the Authority has not only applied its mind but considering the crime chart, has rightly passed the order. All the material on record have been taken into consideration and by giving cogent reasons, the Authority has passed the order. She further submits that as many as 13 crimes have been committed by the petitioner, and therefore, the petitioner has become a threat to the society at large and therefore, on that basis the order of externment was justified. There are concurrent findings of both the Authorities even the appeal preferred by the petitioner was dismissed by the Divisional Commissioner and hence submits that the petition deserves to be rejected.

5. I have heard the learned Counsel appearing for the petitioner and learned APP appearing for the State.

6. Admittedly, it appears that the first offence which was shown in the chart is of the year 2017 and the last offence is of 2023. Between this period, the petitioner has committed as many as 13 offences. However the fact remains that the last committed offence is of 2023 and that offence was shown pending for investigation. It would be not out of place to mention at this juncture that stale offences wherein there is no live link, cannot be considered. The live link in the

present case has snapped as could be gathered from the chart itself. It could be seen that the last offence was of 22.11.2023 i.e. Crime no.96 of 2023 and the order was passed on 15.07.2025 i.e. after near about 20 months. Therefore, the very object of incorporating the provisions of externment as per the Maharashtra Police Act, would be frustrated, if this is to be permitted. After perusal of the entire order it appears that the order was passed under Section 56(1)(a)(b) of the Maharashtra Police Act. Upon perusal of Section 56 (1)(b), admittedly, the requirement, which is provided under sub-clause (b) that in addition to the crime committed under Chapters 12, 16 and 17, there is also one requirement that the witnesses are not willing to come forward to give the evidence, has not at all been considered. As was submitted by the learned APP that in-camera statements are recorded, however upon perusal of the entire order it appears that even there is no reference of in camera statement in the entire order. Therefore that by itself is sufficient to conclude that the Externment Authority has not applied its mind, even the Divisional Commissioner ought to have considered all these factors. However while dealing with the appeal even the Divisional Commissioner has conveniently ignored the same. In this view of the matter, I am inclined to allow the petition. Hence. The following order :

- (a) The Criminal Writ Petition is allowed.
- (b) Orders dated 15.07.2025 (passed in Criminal Case No. 14/56) and 14.12.2025 (passed in Appeal No.132/2025) passed by the respondent nos.1 and 3 respectively, are hereby quash and set aside.
7. Rule is made absolute in above terms.

(M.M. NERLIKAR, J.)

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