



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

CRIMINAL WRIT PETITION NO.95/2026

Prashik S/o Bhaskar Chahande,
Aged 23 yrs., Occ. Student,
R/o. Sahnti Nagar, Sawangi Meghe,
Wardha, Dist. Wardha.

...PETITIONER

VERSUS

1. Divisional Commissioner, (Revenue),
Nagpur Division, Nagpur.
2. Superintendent of Police,
Wardha, Dist. Wardha.
3. Sub-Divisional Police Officer,
Wardha, Dist. Wardha.
4. State of Maharashtra,
through P.S.O., Ram Nagar,
Wardha, Dist. Wardha.

...RESPONDENTS

Mr. M. Rai, Advocate for petitioner.
Mr. A. Mate, APP for respondent Nos. 1 to 4.

CORAM : M. M. NERLIKAR, J.

DATE : 20.02.2025

ORAL JUDGMENT :

Heard.

2. Issue Rule, returnable forthwith. Mr. A. Mate, learned APP waives service for respondent No. 1 to 4. With consent of learned counsel for the parties, the petition is taken up for final hearing.

3. By way of this petition filed under Article 226 and 227 of the Constitution of India, the petitioner is seeking quashing of the order dated 19.11.2025 passed in appeal No.109/2025 by the respondent No.1-Divisional Commissioner, Nagpur Division, Nagpur and also to quash order dated 18.08.2025 passed by respondent No.2 – Superintendent of Police, Wardha.

4. The petitioner was extenuated by respondent No.2 under Section 55 of the Maharashtra Police Act ("Police Act") on the basis of following offences :-

क्र.	पोलिस स्टेशन	अप. क्र.	कलम	संदेश शेंडे	यश श्रीवास्तव	प्रशिक चहानदे	शंतनु रामटेके	केस न./दि.	सद्यस्थिति
१.	रामनगर	७०२/२०१९	३२६, ३२३, ३४ भादवी					१७७/2020 २४.०२.२०२०	न्यायापरविष्ट
२.	वर्धा शहर	०२३/२०२३	२९४, ७०६, ३४ भादवी सह कलम ४, २७ भा. द. का.					२२४/२०२३ २४.०४.२०२३	न्यायापरविष्ट

३.	वर्धा शहर	४, २७ भा. ह. का. सह कलम १२७, १३२, १८९(२), १८९(४), १९०, १९१(२), ३७१(२), ३७२(२) भा. न्या. संहिता					✓	७७१/२०२७ २९.०७.२०२७	न्यायापरविष्ट
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The following are the Offences against gang member Prashik Bhaskar Chande in Police Station Ramnagar, Wardha city, Sawangi, Dist. Wardha:-

क्र.	पोलिस स्टेशन	अप. क्र.	कलम	फौ. मा. क्र.	सदस्थिति
१.	रामनगर	८४९/२०२२	२९४, ७०६, ७०४ भादवी	४९२२/२०२२ १४.११.२०२२	न्यायापरविष्ट
२.	वर्धा शहर	२१३१/२०२४	कलम ४, २७, भा. ह. का. सह कलम १२७, १३२, १८९(२), १८९ (४), १९०, १९१(२), ३७१(२), ३७२ भा. न्या. संहिता	७७१/२०२७ २९.०७.२०२७	न्यायापरविष्ट
३.	सावंगी	१०२/२०२३	कलम ४७२, ३२४, ७०६, ७०४, ३४ भादवी	२९८/२०२३ १२.०६/२०२३	न्यायापरविष्ट

5. The learned counsel appearing for the petitioner submits that so far as crime which was committed in the year 2024, i.e. Crime No. 2131/2024 is the only crime which has been committed along with other members of the gang. He

submits that therefore, it is not sufficient to conclude that activities of the petitioner comes under Section 55 of the Police Act. He submits that in order to form a gang, there should be an organized group of criminals or disorderly young people who work together as anti-social elements or for criminal purposes. He further submits that this is the last crime which was committed by the petitioner and thereafter, no offence has been committed. He further submits that the activity of the petitioner is individual in nature, therefore this cannot be termed as activity of the 'gang'. He raised another ground that the crime chart which shows the activities of the petitioner, that by itself is not sufficient to extern the petitioner, as there is no proximity between the last committed crime and the impugned orders, therefore according to him, the live-link is snapped. He further submits that the respondent No.2 has passed the order externing the petitioner for maximum period of two years, which is without application of mind and without subjective satisfaction. According to him, though in appeal the said period was reduced to one year, however the fact remains

that there is no reasoning recorded. He submits that so far as the Crime No. 2131/2024 is concerned, in that crime total five accused persons are involved, however, against Ankush Tirpude, no order of externment was passed by the respondent No.2, therefore according to him, this is nothing but, a pick and choose policy of the respondent No.2, and therefore the entire order stands vitiated. He further submits that so far as in camera statement recorded by the sponsoring authority is concerned, in the actual incident, the witnesses have not taken the name of the present petitioner, therefore the externing authority has not subjectively satisfied himself and without application of mind, the order of externment was passed.

6. On the other hand, the learned APP vehemently opposes the petition and submits that all the mandatory provisions have been followed in order to extern the petitioner. He submits that notice under Section 59 of the Police Act was issued and all the material allegations against the petitioner were informed to him. He further submits that the principle of natural justice was also followed. He submits that considering

the material against the petitioner, specifically the crime which was committed by all the persons against whom the order of externment is passed, has been committed as a gang. He submits that the activities of the petitioner could be gathered from the crime chart of the petitioner which shows that total three crimes are committed by the petitioner i.e. Crime No. 849/2022, Crime No. 2131/2024 and Crime No. 102/2023, therefore it cannot be said that the order of externment cannot be passed against the petitioner. He further submits that Crime No. 2131/2024 was committed by all the persons against whom the order of externment was passed. He further submits that the in camera statement goes to show that the petitioner along with other persons are committing crimes and that the witnesses are not willing to come forward due to their criminal activities and threat perception in the society. He further invited my attention to the in camera statement, wherein name of the petitioner is mentioned along with other accused persons. He further submits that merely non-mentioning of his name in the actual incident, that by itself is not sufficient to

interfere with the impugned order. He submits that the record itself speaks about the activities of the petitioner. He submits that so far as the maximum period of the externment is concerned, it was already curtailed by the Divisional Commissioner, therefore the said contention of the petitioner cannot be taken into consideration. Lastly, he submitted that it was after considering the material objectively and thereafter satisfying himself subjectively, the impugned orders are passed authorities.

7. I have considered the rival submissions. Admittedly, it appears from the record that one crime i.e. Crime No. 2131/2024 was registered against the petitioner, as well as against all the persons those who have been externed by the present impugned order passed by respondent No.2. Said crime was registered under Sections 125, 132, 189(2), 189(4) 190, 191(2), 351(2), 352 of BNS read with Sections 4, 25 of the Arms Act. Admittedly, this crime was committed in the year 2024. However, the order of externment was passed on 18.08.2025. Admittedly, the order was passed after 8 months

from the last committed crime by the petitioner. Therefore, the very object of externment is frustrated as there is no live-link between the last committed crime and the order of the externment. Further more, so far as crime committed by the petitioner as a collective crime is concerned, wherein five persons are involved, however against one person namely Ankush Tirpurde no order of externment was passed against him, and there is no reason recorded in the entire impugned order, as to why he was singled out. It could be said that the respondent No.2 has adopted the policy of pick and choose. It is further to be noted that Crime No. 2131/2024 was shown to be committed by all persons, against whom the impugned order was passed. However, in order to apply Section 55 of the Police Act their activities should fall under Section 55 of the Police Act. For that purpose, the learned counsel has relied on the judgment of *Altaf Rajekhan Pathan and others Vs Divisional Commissioner, Pune and others, 2018 DGLS(Bom.) 633*, wherein this Court had an occasion to consider the word “gang” in paragraph No.21 which is reproduced as under:-

21. *In the context of the aforesaid issue, Section 55 would have to be revisited, the said provision has already been reproduced in the earlier part of this judgment. The said provision as can be seen invoked against the movement or encampment of any gang or body of persons in the area of a Commissioner in the commissionerate area, in a district by the District Magistrate, the Sub-Divisional Magistrate or the Superintendent empowered by the State Government in that behalf. Therefore the sine qua non for section 55 to apply is the movement or encampment of any gang or body of persons. Hence the section contemplates that there has to be a collective action or concerted action on the part of the gang members. Only when there is a collective or concerted action that the action of dispersal or removal of each of the gang members can be taken. The word "gang" has not been defined in the Police Act. It would therefore be useful to refer to the dictionary meaning of the said word "gang"*

Black's Law Dictionary "Gang" means:

"A group of persons who go about together or act in concert, esp, for antisocial or criminal purposes".

Oxford Dictionary "Gang" means:

"an organized group of criminals or disorderly young people".

Hence going by the dictionary meaning of the word "gang" the same also indicates that a gang has to be a collection of persons or a body of persons who are acting in concert towards a common unlawful object and, just because an offence is registered against a gang leader and one member of a gang would not mean that they constitute a gang so as to come within the sweep of section 55 of the Police Act. Even the meaning of the word "gang" in the Law Lexicon on which the learned Additional Public Prosecutor sought to place reliance cannot be said to be in deviation to the meaning in the other dictionaries as above. In fact the learned Additional Public Prosecutor sought to rely upon a line from the meaning in the Law Lexicon which in our view would be reading the said line out of context. It is required to be noted that in all the above Petitions, the offence under the Gambling Act is registered against the gang leader "A" with the alleged member of the gang being "B", against "A" with "C", "A" with "D", "A" with "E", but not against A, B, C, D, or E collectively or even against a substantial number of gang members collectively. It is also required to be noted that in some cases the offence registered against "A" and "B" is much anterior in point of time to the offences registered against "A" and "E" and therefore there is no proximity between the offences

and therefore the test of there being a collective participation is not satisfied as they are all individualistic cases registered against the alleged gang leader and a member.”

8. From the above observation of this Court, it is crystal clear that the word “gang” has not been defined in the Police Act. However, this Court has taken into consideration the dictionary meaning of the “gang” as a group of persons who go about together or act in concert especially for anti-social or criminal purposes. Further, as per Oxford dictionary “gang” means an organized group of criminals or disorderly young people. So far as the present case is concerned, admittedly it appears from the record that the gang leader namely Sandesh @ Badal Mahendra Shende against whom near about 18 serious crimes are registered, however, so far as the present petitioner is concerned, he has committed only one crime that too in the year 2024 with the gang leader, therefore the activities of the petitioner cannot be said to be committed by an organized group of criminals.

9. Considering the above facts and circumstances, I am inclined to allow the petition, hence the following order:-

ORDER

(I) Criminal petition is allowed.

(II) The order dated 19.11.2025 passed in appeal No.109/2025 by the respondent No.1 i.e. Divisional Commissioner, Nagpur Division, Nagpur and the order dated 18.08.2025 passed by respondent No.2 – Superintendent of Police, Wardha are hereby quashed and set aside.

10. Rules is made absolute in above terms.

(M. M. NERLIKAR , J.)

Gohane