



**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE**

**HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

**ON THE 17<sup>th</sup> OF DECEMBER, 2024**

**WRIT PETITION No. 35097 of 2024**

***DINESH***

***Versus***

***THE STATE OF M. P. AND OTHERS***

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**Appearance:**

***Shri Shubham Narvare- Advocate for the petitioner.***

***Shri Rajwardhan Gawde- P.L./G.A. for the State.***

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**ORDER**

Heard finally, with the consent of the parties.

2] This petition has been filed by the petitioner under Article 226 of the Constitution of India, against the order dated 25.10.2024, passed by the respondent No.2, Commissioner Ujjain, Division Ujjain, affirming the order dated 18.06.2024, passed by the District Magistrate, Dewas, as an order of externment has been passed, whereby, the petitioner has been externed for a period of one year, from the limits of District Dewas and the adjoining districts on account of the criminal activities of the petitioner, as against him, nine cases have been registered until now, out of which, five cases are under the IPC whereas, the other four cases are the prohibitory proceedings under Cr.P.C.



**3]** In brief, the facts of the case are that the petitioner is a resident of Gram Eklera Mataji, Police Station Pipliyarawa, District- Dewas, against whom, the aforesaid nine cases have been registered. On a recommendation made by the S.P. Dewas on 26.02.2024, a notice was issued to the petitioner on 22.03.2024 and after the reply was filed by the petitioner, the District Magistrate has passed the order on 18.06.2024 and in the appeal before the Divisional Commissioner, Ujjain, the same has also been rejected vide its order dated 25.10.2024, and being aggrieved of the same, the present petition has been filed.

**4]** Counsel for the petitioner has submitted that although the respondents have relied upon the nine cases registered against the petitioner, but admittedly, five cases are under the IPC only, out of which, the cases at serial Nos.1, 2 and 3 are minor in nature involving Sections 341, 294, 506 etc., which were allegedly committed by the petitioner from the year 2008 to 2010 whereas, the fourth case at Crime No.131/2014 is under Sections 302, 147, 148, 149, 294, 307, 451, 323, 336, 506 of IPC, in which subsequently, Section 302 of IPC was also added on account of the death of the injured, in which he has already been convicted, however, his application for suspension of sentence has been allowed by this Court and the petitioner is on bail. Fifth case is again under Sections 294, 336, 506 and 34 of IPC, which is of trivial nature and allegedly committed by the petitioner on 16.12.2023. It is submitted that the other four cases are the prohibitory



proceedings under the Cr.P.C. only, and there is no allegation that the aforesaid prohibitory orders were ever infringed by the petitioner. It is also submitted that the last offence committed by the petitioner was on 16.12.2023 whereas, the show-cause notice was issued on 22.03.2024, and the final order was passed on 18.06.2024. Thus, after six months of the last offence committed by the petitioner, this order has been passed.

5] Counsel has also drawn the attention of this Court to an order passed by this Court at Jabalpur in the case of *Sudeep Patel Vs. State of M.P. and Others*, in *M.P. No.904/2017* dated *09.01.2018* wherein, this Court has also taken note of the Statement of Objects of the Adhiniyam and it is held that preventive action shall be taken against the petitioner in an expeditious manner without further delay, otherwise, it loses its effectiveness. Thus, it is submitted that the petition may be allowed, and the impugned orders be set aside.

6] Counsel for the respondent/State, on the other hand, has opposed the prayer and it is submitted that no case for interference is made out, looking to the criminal antecedents of the petitioner, who was also involved in a case of murder, in which he has also been convicted and thus, no case for interference is made.

7] Heard. Having considered the rival submissions and on perusal of the record, this Court finds that so far as the criminal cases registered against the petitioner are concerned, the same read as under:-



अ.क्र.	अपराध क्रमांक	धारा	विवरण
1	158/2008	341,323,294,506,34 भादवि	राजीनामा।
2	112/2010	451,294,323,506,34, भादवि	विचाराधीन।
3	191/2010	341,294,506 भादवि	विचाराधीन।
4	131/2014	147,148,149,307,294,451,323,336,506,302 भादवि	आजीवन कारावास।
5	547/2023	294,336,506,34 भादवि	विचाराधीन।
6	435/2014	107,116(3) जा.फौ.	सक्षम न्यायवालय में प्रस्तुत।
7	83/2014	110 जा.फौ.	सक्षम न्यायवालय में प्रस्तुत।
8	74/2023	151,107,116(3) जा.फौ.	सक्षम न्यायवालय में प्रस्तुत।
9	10/2024	110 जा.फौ.	सक्षम न्यायवालय में प्रस्तुत।

8] A perusal of the aforesaid table would reveal that apparently, nine cases have been registered against the petitioner, out of which four cases are under the Cr.P.C only, and out of the five cases under the IPC, four cases are minor in nature, whereas, one case registered at Crime No.131/2014, was under Section 302 of the IPC, in which he has been convicted for life, whereas, the last offence committed by him at Crime No.547/2023 was registered on 16.12.2023, under Sections 294, 336, 506 and 34 of the IPC wherein, it is alleged that the petitioner ran after the complainant abusing him and tried to assault him. It is also found that prior to 16.12.2023, the last offence committed by the petitioner under Section 302 of the IPC was on 11.05.2014, in which he has already been convicted. Thus, there was a long gap of around nine years between two offences and the last



offence committed on 16.12.2023, was minor in nature, whereas, the other four cases are prohibitory proceedings under Cr.P.C.

**9]** It is also found that the S.P. had recommended the externment of the petitioner on 26.02.2024, *i.e.*, after a period of more than two months from the last offence, whereas, the final order has been passed by the District Magistrate on 18.06.2024, *i.e.*, after a period of seven months after the period of recommendation.

**10]** So far as the prompt action in respect of the externment proceedings is concerned, time and again, this Court has emphasized the same, and in the case of *Sudeep Patel (Supra)*, it is held that the respondents have taken inordinate time to conclude the proceedings, which had the effect of losing the necessity of passing the order of externment.

**11]** In such circumstances, the impugned orders dated 18.06.2024 and 25.10.2024 are liable to be and are hereby quashed.

**12]** With the aforesaid, the petition stands *allowed* and *disposed of*.

**(SUBODH ABHYANKAR)**  
**JUDGE**