

IN THE HIGH COURT OF MADHYA  
PRADESH  
AT JABALPUR  
BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 5<sup>th</sup> OF JANUARY, 2023

WRIT PETITION No. 6376 of 2022

**BETWEEN:-**

SAJID @ SAJJU S/O SHRI WAHID KHAN, AGED  
ABOUT 48 YEARS, OCCUPATION:  
CONTRACTORSHIP/SCRAP SHOP R/O BAZAR  
MOHALLA, WARD NO. 14 DAMUA POLICE  
STATION DAMUA TEHSIL JUNNARDEO DISTRICT  
CHHINDWARA (MADHYA PRADESH)

.....PETITIONER

(BY SHRI AJAY KUMAR JAIN - ADVOCATE)

**AND**

1. THE STATE OF MADHYA PRADESH,  
THROUGH PRINCIPAL SECRETARY  
DEPARTMENT OF HOME AFFAIRS,  
MANTRALAYA, VALLABH BHAWAN, BHOPAL  
(MADHYA PRADESH)
2. SUPERINTENDENT OF POLICE, DISTRICT  
CHHINDWARA (MADHYA PRADESH)
3. THE STATION HOUSE OFFICER, POLICE  
STATION DAMUA DISTRICT CHHINDWARA  
(MADHYA PRADESH).

.....RESPONDENTS

(BY SHRI YASH SONI - GOVERNMENT ADVOCATE)

.....  
*This petition coming on for admission this day, the court passed  
the following:*

**ORDER**

Petitioner has filed this writ petition under Article 226 of the

Constitution of India making a prayer to issue directions/order to respondents to drop surveillance proceedings against petitioner.

2. Learned counsel appearing for petitioner relied on Regulation 843 of the MP Police Manual and Regulations. Said regulation is quoted as under:-

*"843. Surveillance Liability to - Persons liable to police surveillance may be divided into three classes:-*

*(i) Convicts released conditionally, by the State Government under Section 401 (now Section 432) of Criminal Procedure Code, before the expiry of their sentences.*

*(ii) Convicts subject to an order passed under section 565 (now section 356) of Criminal Procedure Code.*

*(iii) Ex-Convicts and suspected bad characters, who are placed on the surveillance Register by an executive order of the Superintendent."*

Relying on Police Regulation 843, it is submitted that petitioner does not fall under above mentioned category for initiation of surveillance proceedings. Petitioner is not a convict and, therefore, Police Regulation 843 may not be applied on petitioner.

3. Learned Government Advocate appearing for State submitted that name of petitioner is included in surveillance register by order of Superintendent dated 23.08.2007, therefore, surveillance of petitioner is being done. It is further submitted that Superintendent of Police, Chhindwara (MP) has issued a letter permitting surveillance of petitioner.

Petitioner is involved in many offences which include theft and encroachments over land. Many offences are registered against petitioner and proceedings of externment has also been initiated against him. Police is doing surveillance of petitioner as his activity may imperil the safety, tranquility and peace of the society. Petitioner has long criminal history and due to his character independent witnesses do not depose against him in Court. In these circumstances, no interference is called for and writ petition may be dismissed.

4. Heard the counsel for the parties.

5. Regulation 843 (III) of the Madhya Pradesh Police Manual and Regulations provides that ex-convicts and suspected bad characters who are placed in surveillance register by an executive or by Superintendent are liable for surveillance. Learned counsel for petitioner has argued that ex-convicts and suspected bad character are liable for surveillance. Word used in Regulation 843 (III) is "and" which is conjunctive which means that convicted person of suspected bad characters can be placed under surveillance and persons who has not been convicted but is of suspected bad character cannot be placed under surveillance.

6. In Principles of Statutory Interpretation by Justice G.P. Singh, it is laid down that word "or" is normally disjunctive and word "and" is normally conjunctive but at times they are read as *vice versa* to give effect to the manifest intention of Legislature as disclosed from the context.

7. On going through Regulation 843, word used is "suspected bad character". Such person may or may not be a convict. Only on ground

that a person is not convict, police cannot be deprived of its power to do surveillance of suspected bad character. Word "and" used in Regulation 843 is to be read as "or" so that convicts or suspected bad characters can be put on surveillance by police, if circumstances so demand for prevention of crime and for establishing peace and sense of security in society.

8. In view of aforesaid, writ petition filed by petitioner is *dismissed*.

shabana



(VISHAL DHAGAT)  
JUDGE