



**IN THE COURT OF I ADDL. DISTRICT & SESSIONS JUDGE
AT KOLAR**

PRESENT

SMT.B.S. JAYASHREE, LL.M.,
I Addl. District and Sessions Judge, Kolar.

DATED THIS THE **18th DAY OF JULY, 2026**

Cr.R. P No.33/2026

PETITIONER/S : Waseem Beigh
S/o.G.N.Mohammed Beigh,
Aged about 35 years,
R/o.Dargashahi Mohalla,
Kolar Town, Kolar – 563 101.

(By Sri.**S.D**, Advocate)

V/s.

RESPONDENT/S 1. **The State of Karnataka**
Rep. by Addl. **Superintendent of Police**
& Special Executive Magistrate,
Kolar.

(Rep. by Smt.**Jyothilakshmi.**,
Learned Public Prosecutor)

ORDER

The Revision Petitioner has filed this revision petition
U/s.438 of BNSS to set aside the order of externment

proceedings bearing No. MAG. No.5/2025-26 dated 06.05.2026 by the respondent.

2. The respondent has passed an order of externment against the petitioner U/s.55 of Karnataka Police Act directing the police to send the petitioner from Kolar to Piriapatna, Mysore District within the limits of Piriapatna Police Station for a period of 1 year from the date of order.

3. The petitioner assailed the order on the following grounds:

The impugned order passed by respondent is illegal, arbitrary, contrary to law and records of the case against the principles of natural justice. The order of respondent is without proper appreciation. The police have wrongly submitted before respondent which is false. There is no complaint made against the petitioner, the respondent has failed to appreciate the facts properly. The provision of Sec.55 of K.P Act would not attract against the petitioner. The

respondent had formed opinion which is against law. Hence, sought to set aside the order which is not sustainable in the eye of law.

4. After registering the petition notice has been issued to respondents, who appeared through public prosecutor.

5. Heard the arguments.

6. Having regard to the facts and circumstances of the case, the points that arise for consideration of this court are as under:

1. Whether impugned order passed by Respondent in MAG. No.5/2025-26 dated 06.05.2026 suffers from illegality, impropriety and calls for interference?

2. What order?

7. My answers to the above points are as under:

Point : In the **Affirmative**

Point No.2 : As per final order
for the following :

REASONS

8. **Point** :- The P.I of Kolar Town Police Station, had submitted a report stating that accused herein who is involved in several criminal cases who is causing breach of peace and harmony in the society. Further he may commit antisocial acts in the society. Therefore, exercising powers U/s.55 of KP Act, 1963 sought to pass an externment order against him. The DY.S.P Kolar had recommended to pass externment order against the petitioner before the A.C, Kolar along with the report. The A.C, Kolar had issued a notice against the petitioner on 06.05.2026 directing him extern from Kolar District to Mysore District of Piriapatna Police Station from 06.05.2026 to 05.05.2027. Notice was served on him and he appeared before the A.C, Kolar. Enquiry was held and thereafter passed an order on 06.05.2026 externing him from Kolar to Piriapatna, Mysore District for a period of one year which is impugned in the revision on several grounds.

8.1. It is urged that the said order is passed basing on the report of police on apprehension of police. There are no material available against the petitioner. The impugned order is unreasonable. The sub Divisional Magistrate had referred to pending criminal cases to invoke provision of Sec.55 of KP Act. The petitioner is not feeling well. Therefore, sought to set aside the order.

9. The learned counsel for the petitioner vehemently argues that the order passed is without application of mind and no fair opportunity is given to the petitioner and hence sought to set aside the order.

10. I have carefully gone through the material placed by the petitioner. U/s.55 of the K.P Act, externment order could be made only where it appears that there are reasonable grounds for believing that person or persons engaged in or is about to be engaged in commission of an offence involving force or violence in an offence punishable under Chapter XII,

XVI or XVII of the Penal Code, or in the abetment of any such offence, and in the opinion of such officer witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property. Here in the case on hand, although the Superintendent of Police appears to have referred to the number of cases instituted against the petitioner, but nowhere he is of the opinion that the witnesses of the said cases are unwilling to give evidence for fear of safety of person or property. The cases registered against the petitioner is under trial, trial is in progress. Mere apprehension of the police is not enough for passing an order of externment. As per the dictum of Hon'ble **Supreme Court** in the case of **Prem Chand V/s. Union of India** reported in **AIR 1981 SCC 613**, has held that mere apprehension of the police is not enough for passing an order of externment. Some ground or the other is not adequate for making the order of externment. There must be a clear and present danger based upon credible

material which makes the movement and acts of the person in question alarming or dangerous or fraught with violence. Likewise, there must be sufficient reason to believe that the person proceeded against is so desperate and dangerous that his mere presence in the locality or any part thereof is hazardous to the community and its safety. A stringent test must be applied in order to avoid easy possibility of abuse of this power to the detriment of the fundamental freedoms. Here in the instant case in the backdrop of the judgment referred above, I am of the opinion that there are no ground to pass an order of externment against the petitioner. Furthermore the petitioner had already undergone externment for a period of more than 2 months. Thus, I am of the confirmed opinion that the order passed by Asst. Commissioner/ respondent is not in accordance with law. Hence, the same has to be set aside. Accordingly, I answer point in the **‘Affirmative’**.

11. **Point No.2:-** For the foregoing reasons and discussions, I proceed to pass the following:

ORDER

The revision petition filed U/s.438 of BNSS is allowed.

The impugned order issued in MAG. No.5/2025-26 dated 06.05.2026 by the respondent is set aside.

Office is hereby directed to send certified copy of this order to respondent.

(Dictated to Stenographer directly on computer, computerized by him, revised, corrected by me and then pronounced in the open Court on this the **18th Day of July, 2026**)

(B.S.JAYASHREE)

I Addl. District & Sessions Judge, Kolar.