



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.2647 OF 2026

Satyam Raju Chamare

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Aniket Vagal, for the Petitioner.

Ms. S. M. Yadav, APP, for the Respondent-State.

PSI Dambale, Lonikand Police Station, Pune City, present.

Coram: Madhav J. Jamdar, J.

Date: June 10, 2026

P.C.:

1. Heard Mr. Vagal, learned Counsel appearing for the Petitioner and Ms. Yadav, learned APP for the Respondent-State.
2. By this Writ Petition filed under Article 226 and 227 of the Constitution of India, the challenge is to the legality and validity of the Externment Order dated 26th August 2025 passed by the Deputy Commissioner of Police, Zone-IV, Pune City as well as to the Order dated 12th May 2026 passed by the Divisional Commissioner, Pune Division, Pune *alias* Appellate Authority in Externment Appeal No.182 of 2025.
3. It is the contention of Mr. Vagal, learned Counsel for the Petitioner that the impugned Order has been passed on the basis of CR No.1002 of 2020 and, therefore, there is no live link between the said



case filed against the the Petitioner and the externment order. He further submits that, as far as the second case bearing CR No.284 of 2025 is concerned, the same is still under investigation and cannot be taken into consideration for passing externment order. To support his contention, he relies on the decision of a learned Single Judge in ***Imtiyaz Hussain Sayyad v. State of Maharashtra***¹.

4. On the other hand, Ms. Yadav, learned APP, submits that the impugned Orders have been passed on the basis of the material on record and by following the due procedure. She, therefore, submits that no interference in the impugned Orders is warranted.

5. A perusal of the record shows that the following two cases are taken into consideration by the Externment Authority while passing the externment order:

Sr. No.	Name of Police Station	CR/Offence No.	Section/s	Status
1	Lonikand	1002/1020	302, 364, 201, 120B and 34 of the Indian Penal Code, 1860, 4(25) of the Arms Act, 1959, and 37(1)(3) read with 135 of the Maharashtra Police Act, 1951.	Pending
2	Lonikand	284/2025	65(e) of the Maharashtra Prohibition Act, 1949.	Under investigation

6. The first case is of the year 2020. The action is taken in the year 2025. Thus, it is clear that there is no live link between the said case filed against the Petitioner and the externment order. Paragraph No.20

¹ 2024 SCC OnLine Bom 442



of the decision of a learned Single Judge in **Imtiyaz Hussain Sayyad**

(supra) supports the Petitioner's case, which reads as under:

"20. Secondly, the objection based on the absence of live link between the cases filed against the Petitioner and the externment order also carries some substance. The cases at Sr. Nos. 2 i.e. C.R. No. 568 of 2019, at Sr. No. 4 i.e. C.R. No. 2 of 2020, at Sr. No. 5 i.e. C.R. No. 187 of 2020 were registered in the years 2019 and 2020. Action for externment was initiated in the month of July 2022 and the order of externment came to be passed on 24 January 2023. Considerable period elapsed from the registration of the aforesaid crimes till the initiation of the action for externment. The purpose of externment is not punitive. Externment is with a view to disable a person by moving him away from surroundings which prove favourable for the commission of the offences and thereby disarm his influence in the said area. Thus, there ought to be a live link between the acts of the externee and the action of externment. Stale cases cannot be used to support the externment order. This also bears upon the subjective satisfaction arrived at by the externing authority."

(Emphasis added)

7. As far as the second case i.e. CR No.284 of 2025 is concerned, it is very clear that the said offence is still under investigation and, therefore, cannot be taken into consideration while passing the externment order. Paragraph No.19 of the decision of **Imtiyaz Hussain Sayyad** (supra) is squarely applicable to the present case, which reads as under:

"19. The situation which thus obtains is that the externing authority had noted pendency of two cases which did not satisfy the requirement of class of cases stipulated by clause (b) and also considered the crimes which were under investigation and chargesheet had not been filed. It is trite, the crimes which are still under investigation



cannot be taken into consideration as depending upon the outcome of the investigation, the investigating agency may or may not send the accused for trial. It is true, in one of the crimes, subsequently chargesheet came to be filed. However, a submission could be advanced that the chargesheet was filed with a view to justify and support the order of externment. Reliance placed by Mr. Gupta on the judgment of the learned Single Judge of this Court in the case of Ganesh Laxman Dhabale v. State of Maharashtra² appears to be well founded.”

(Emphasis added)

8. Accordingly, the Writ Petition is disposed of by passing the following Order:

The Externment Order dated 26th August 2025 passed by Respondent No.3-Deputy Commissioner of Police, Zone-IV, Pune City in Externment Order No.55 of 2025 as well as the Order dated 12th May 2026 passed by the Divisional Commissioner, Pune Division, Pune *alias* Appellate Authority in Externment Appeal No.182 of 2025 are quashed and set aside.

[Madhav J. Jamdar, J.]