



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 25TH DAY OF APRIL, 2026
BEFORE
THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM
WRIT PETITION NO.11170 OF 2026 (GM-POLICE)

BETWEEN:

HEMANTH S
S/O LATE SURESH L
AGED ABOUT 24 YEARS
R/AT NO.302
GRUHA NILAYA
NEAR B.I.T. SCHOOL
CHIKKABANAVARA
BENGALURU-560090

...PETITIONER

(BY SRI. TIGADI VEERANNA GADIGEPPA,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY SOLADEVANAHALLI POLICE STATION
BENGALURU CITY
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560001
2. SPECIAL EXECUTIVE MAGISTRATE AND
DEPUTY COMMISSIONER OF POLICE
NORTH WEST DIVISION
BENGALURU-560001

...RESPONDENTS

(BY SRI.K.P.YOGANNA, AGA)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER OF EXTERNMENT DATED 23.02.2026 PASSED BY THE RESPONDENT NO.2 AGAINST THE PETITIONER BEARING NO.CRM/MAG/GA.PAA/PRAKARANA-01 /2026/DCP(VAA)/ BEN NAGARA BY EXILING THE PETITIONER FROM BENGALURU CITY TO MANGALORE-DAKSHINA KANNADA DISTRICT FROM 23.02.2026 TO 22.02.2027 (FOR A PERIOD OF ONE YEAR) WHICH IS PRODUCED AND MARKED AS ANNEXURE-B OF THE WRIT PETITION AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

Heard learned counsel appearing for the petitioner. Perused the impugned order passed under Section 55(A & B) Karnataka Police Act, 1963 (for short 'KP Act, 1963').

2. Learned counsel appearing for the petitioner reiterating the grounds would point out that the primary challenge to the order impugned is on the ground that no opportunity is given and documents are not furnished.



3. *Per contra*, learned AGA stoutly counters petitioner's contention and adverts to the observations made by the Authority while ordering externment.

4. Heard learned counsels on record and perused the externment order.

5. This Court deems it fit to apposite to extract the relevant portion to examine whether petitioner was notified and heard in the matter. The relevant portion is extracted, which reads as under;

"ದಿನಾಂಕ:19.02.2026 ರಂದು ಎದುರುಗಾರನು ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಹಾಜರಿದ್ದು, ತನ್ನ ಪರವಾದ ದಾಖಲಾತಿಗಳು ಅಥವಾ ಸಾಕ್ಷಾಧಾರಗಳೇನಾದರು ಇದ್ದಲ್ಲಿ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಲು ಸೂಚಿಸಲಾಗಿ, ಎದುರುಗಾರನು ತನ್ನ ಮೇಲೆ ಮಾಡಲಾಗಿರುವ ಆರೋಪಗಳೆಲ್ಲವು ಸುಳ್ಳಾಗಿರುತ್ತವೆ ಎಂದು ಸಂಬಂಧಪಟ್ಟ ನ್ಯಾಯಾಲಯಗಳಲ್ಲಿ ವಿಚಾರಣಾ ಹಂತದಲ್ಲಿರುತ್ತವೆ, ಆದ್ದರಿಂದ ಅರ್ಜಿದಾರರ ಅರ್ಜಿಯನ್ನು ವಜಾ ಮಾಡಿ ಎದುರುಗಾರನನ್ನು ಗಡಿಪಾರು ಮಾಡಬಾರದೆಂದು ಕೋರಿರುತ್ತಾರೆ. ಎದುರುಗಾರನಿಗೆ ನಿನ್ನ ಪರವಾಗಿ ದಾಖಲಾತಿಗಳು ಅಥವಾ ಸಾಕ್ಷಾಧಾರಗಳು ಇದ್ದಲ್ಲಿ ಸಲ್ಲಿಸಿ ಎಂದು ತಿಳಿಸಿದ್ದಕ್ಕೆ, ಈತನು ತನ್ನ ಪರವಾದ ದಾಖಲಾತಿಗಳು ಅಥವಾ ಸಾಕ್ಷಾಧಾರಗಳೇನು ಇಲ್ಲವೆಂದು ತಿಳಿಸಿರುತ್ತಾನೆ."

6. On a careful and meaningful reading of the extracted portion of the impugned proceedings, this Court finds that the competent Authority has, in fact, afforded



due and reasonable opportunity to the petitioner to put forth his defence. The records would clearly disclose that the Authority had specifically queried the petitioner as to whether he intended to adduce any oral evidence or produce documentary material in substantiation of his defence. In response thereto, the petitioner has unequivocally stated that he had no documents to furnish. This vital aspect, which goes to the root of compliance with the principles of natural justice, cannot be lightly brushed aside. When an opportunity is not only afforded but consciously declined by the delinquent, it does not lie in his mouth to subsequently contend that there is violation of natural justice. In such circumstances, the scope of interference by this Court, in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India, stands significantly curtailed. This Court, while exercising jurisdiction under Article 227, does not sit as an appellate authority to re-appreciate facts or to test the correctness of the decision on merits, unless



there is patent perversity or manifest illegality, which is conspicuously absent in the case on hand.

7. It is also trite that where a statute provides for an efficacious alternative remedy, this Court would be loath to entertain a writ petition, save in exceptional circumstances. In the present case, the petitioner has an effective and efficacious statutory remedy by way of an appeal under Section 59 of the KP Act, 1963. This Court is conscious of the settled position that in cases where an externment order is passed in flagrant violation of the principles of natural justice or without jurisdiction, constitutional courts may exercise their extraordinary jurisdiction notwithstanding the availability of an alternative remedy. However, the present case does not fall within the well-recognized exceptions carved out in judicial precedents. The material on record does not disclose any such gross illegality or procedural impropriety warranting interference at this stage. Therefore, this Court is of the considered view that the petitioner deserves to be



relegated to avail the statutory remedy of appeal under Section 59 of the KP Act, 1963.

8. The reliance placed by the petitioner on the judgment of the Hon'ble Apex Court in ***Deepak S/o Laxman Dongre v. State of Maharashtra***¹ is misplaced in the facts and circumstances of the present case. The ratio laid down therein, having regard to the factual matrix involved in that case, cannot be straightaway applied to the case on hand. The applicability of the said judgment, as also other contentions urged on merits, are matters which are more appropriately required to be examined by the Appellate Authority in exercise of its statutory jurisdiction.

9. In view of the foregoing discussion, while declining to entertain the writ petition on merits, liberty is reserved to the petitioner to avail the statutory remedy of

¹ (1973)1 SCC 372



appeal. Accordingly, this Court proceeds to pass the following;

ORDER

(i) The writ petition stands ***disposed of***.

(ii) In the event the petitioner prefers an appeal within a period of one week from the date of receipt of a certified copy of this order, the Appellate Authority shall consider the same without raising objection on limitation, by extending the benefit of Section 14 of the Limitation Act, 1963, and excluding the period spent in prosecuting the present writ proceedings before this Court.

(iii) If such an appeal is filed, the Appellate Authority shall also take into consideration the fact that an order of externment is a drastic measure having serious civil consequences, and shall therefore consider any Interlocutory Application for interim relief, if filed, with due expedition and in accordance with law.

(iv) Insofar as the contention relating to defective notice is concerned, though urged in



the writ petition, the same does not merit consideration at this stage, particularly in view of the admitted position that the petitioner has entered appearance before the Authority and has filed detailed objections contesting the proceedings on merits. In such a scenario, the plea of defective notice stands substantially diluted and does not constitute a ground to invoke supervisory jurisdiction under Article 227 of the Constitution of India.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**