

Naved Ahmad Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : May-13-2013

Appellant : Naved Ahmad

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Sharad Verma

Judgement :

Naved Ahmad versus State of M.P.& Others Writ Petition No :
5501.

13. 05.2013.

Shri Sharad Verma, counsel for the petitioner.

Shri Jaideep Singh, Deputy Government Advocate for the respondent/State.

Challenging order Annexure P-1 & P-2 passed by the District Magistrate and the Commissioner in the matter of externment of petitioner from the District in question under the M.P.Rajya Surakhsha Adhiniyam, petitioner has filed this writ petition.

Having heard learned counsel for the parties and on perusal of record it is seen that on the basis of report submitted by the Superintendent of Police Bhopal a show-cause notice dated 29.9.2012 was issued to the petitioner indicating involvement of petitioner in 9 criminal cases, based on the aforesaid the impugned

action is taken.

A perusal of record shows that out of the 9 cases, as are indicated in show-cause notice, cases from Sr.No.1 to 7 are for a period of more than 6 years prior to initiation of the action in the year 2012.

Cases at Sr.No.1 to 4 are for the period 1992-1999 and case at Sr.No.5, 6 & 7 are of the period 2002, 2003 & 2006.

So far as case at Sr.No.8 is concerned it is a dispute between petitioner and his wife and proceeding under Section 498-A is initiated against petitioner, that cannot be a ground for externment of petitioner.

Under such circumstances the only offence for which action has been taken against the 2 petitioner is case at Sr.No.9, which is an offence under Section 452, 323 and 506 IPC and there is no material available on record to show that because of this offence continuation of petitioner in the district in question is detrimental to the interest of the public at large.

Under similar circumstances another case W.P.No.12894/2012 (Akbar @ Chhatta versus State of M.P.& Ors.) vide order Annexure P-6 dated 6.2.2013 a similar petition have been allowed and identical action is quashed.

In the present case, out of 9 cases, 7 cases registered against the petitioner are old and stale cases and are for the period prior to 5 years from the date of taking action, case at Sr.No.8 pertains to dispute between the petitioner and his wife for which petitioner is being prosecuted under Section 498-A IPC and the other criminal case against petitioner is for offence under Section 452 IPC.

The criminal record of petitioner and the case for which action taken against him are not such on the basis of which action against petitioner can be taken.

There is no material available on record to show that activities of petitioner are such that they are detrimental to the interest of public or society.

Accordingly, finding action taken be arbitrary and based on extraneous consideration, this petition is allowed, order Annexure P-1 & P-2 are quashed.

The petition is allowed and disposed of.

(RAJENDRA MENON) JUDGE ss/-

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