

Mukesh Vs. the State of Madhya Pradesh Judgement Given By: Hon'ble Shri Justice Rajendra Menon

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Court : Madhya Pradesh

Decided On : Jan-28-2014

Appellant : Mukesh

Respondent : The State of Madhya Pradesh Judgement Given By: Hon'ble Shri Justice Rajendra Menon

Advocate for Pet/Ap. : Shri. Rahul Tripathi

Judgement :

- 1 -1 W.P.No.18066/2013 28/1/2014 : Shri Rahul Tripathi, learned counsel for the petitioner.

Shri Lalit Joglekar, learned Panel Lawyer for the respondents.

Challenging the orders passed by the competent authority and the appellate authority under the provisions of M.P.Rajsuraksha Adhiniyam and externing the petitioner from the District in question, this writ petition has been filed.

Even though the period for externment is already over on 19.12.2012 but considering the fact that for the period of six months when the appeal was pending before the Commissioner there was stay in the order of externment, the question be considered on merit.

Having heard learned counsel for the parties, it is seen that externment proceeding were initiated against the petitioner in the year 2011 and at that point of time only two cases were pending against him.

of Gambling Act and they were registered on 4th May and 5th May, 2011.

That apart, there is no other material available against the petitioner.

However, learned counsel for the State points out that petitioner has been continuously indulging in gambling right from the year 1992 and therefore, the action taken is proper.

-:2:- Records indicates that cases were registered against the petitioner in the year 2008.

Thereafter, for a period of two years no cases were registered against him.

However, two cases were registered in the year 2010 under the Gambling Act and thereafter the present case two cases on 4th and 5th May, 2011.

There is no complaint against the petitioner during the last six months when the stay order granted by the Commissioner was in operation.

Taking note of the fact that only two cases were registered against the petitioner in the year 2011 and thereafter no complaint against the petitioner even during the period there was stay of the impugned order, for the present, it is thought appropriate to quash the orders of externment and instead it is directed that petitioner shall submit a bond with regard to his behaviour and not indulge in any act of gambling as against him and if petitioner submits a bond for good behaviour for a period of one year, the enforcement of the order of externment shall remain quashed.

However, subject to the liberty to the respondents to take action afresh if petitioner commits breach of the bond submitted.

With the aforesaid, this petition stands allowed and disposed of.

(Rajendra Menon) Judge mrs.mishra -2

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