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A N Kumar vs the State of Karnataka

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Court : Karnataka Orders

Decided On : May-09-2024

Judge : Sachin Shankar Magadum

Appeal No. : WP/102773/2024

Appellant : A N Kumar

Respondent : The State of Karnataka

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH DATED THIS THE 9TH DAY OF MAY, 2024 BEFORE THE HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM WRIT PETITION NO.102773 OF 2024 (GM-RES) BETWEEN: A.N. KUMAR S/O. NAGAPPA ADIN, AGE. 37 YEARS, OCC. BUSINESS, R/O. WARD NO.1, NEAR KENCHAMMA TEMPLE, GANGAVATI, TQ. GANGAVATI, DIST. KOPPAL-583227. PETITIONER (BY SRI. B.C. JNANAYYA SWAMI, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY, HOME DEPARTMENT, VIDHAN SOUDHA, BENGALURU-560001.

2. THE ASSISTANT COMMISSIONER AND SUB-DIVISIONAL MAGISTRATE, KOPPAL-583231.

3. THE SUPERINTENDENT OF POLICE,

KOPPAL-583231. ROHAN HADIMANI 4. THE DEPUTY SUPERINTENDENT OF POLICE, T Digitally signed by ROHAN HADIMANI T GANGAVATI, DISTRICT KOPPAL-583231. Location: High Court of Karnataka, Dharwad Bench Date: 2024.05.09 16:55:23 +0530

5. THE PSI GANGAVATI RURAL PS,

GANGAVATI, DIST. KOPPAL-583231. RESPONDENTS (BY SRI. PRAVEEN K. UPPAR, AGA FOR R1 TO R5) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, QUASH THE IMPUGNED ORDER DATED. 23-04-2024 BEARING NO. Sum/Cum/M.A.G/03/2024-25 PASSED BY RESPONDENT NO.02/ THE ASSISTANT COMMISSIONER AND SUB-DIVISIONAL MAGISTRATE, KOPPAL VIDE ANNEXURE-C IN THE INTEREST OF JUSTICE. -2-

THIS PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING: The petitioner is assailing the order of externment passed by the respondent No.2 as per Annexure-C.

2. Learned AGA has brought to the notice of this Court

that against the order of externment passed by the competent authority, an aggrieved person can prefer an appeal under Section 59 of the Karnataka Police Act, 1963.

3. Reserving the liberty to the petitioner to avail

remedy of an appeal before the competent Authority, this Court passes the following: a) Writ Petition stands disposed off. b) Liberty is reserved to the petitioner to approach the Authority within a period of two weeks from the date of

receipt of certified copy of this order. -3- c) Order of externment is kept under suspension for a period of two weeks. Sd/- JUDGE JTR CT:VP LIST NO.: 1 SL NO.: 71

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