

Sri Pradeep S vs the State of Karnataka

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Court : Karnataka Orders

Decided On : Jul-26-2024

Judge : S.R.Krishna Kumar

Appeal No. : WP/12912/2024

Appellant : Sri Pradeep S

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF JULY, 2024 BEFORE THE HON'BLE MR JUSTICE S.R.KRISHNA KUMAR WRIT PETITION NO. 12912 OF 2024 (GM-POLICE) BETWEEN: SRI. PRADEEP S, AGED ABOUT 20 YEARS, S/O MAYILAPPA, OLAMOGRU VILLAGE, PUTTUR TALUK, DAKSHIN KANNADA DISTRICT, DARBETADKA POST-574 201. PETITIONER (BY SRI. SUYOG HERELE E.,ADVOCATE) AND:

1. THE STATE OF KARNATAKA,

REP BY ITS SECRETARY, DEPARTMENT OF HOME, 2ND FLOOR, VIDHANA SOUDHA, BENGALURU-560 001. Digitally signed by LEELAVATHI S 2. THE

ASSISTANT COMMISSIONER R PUTTUR SUB-DIVISION, Location: HIGH COURT OF PUTTUR-574 201. KARNATAKA

3. THE DEPUTY SUPERINTENDENT OF POLICE PUTTUR SUB-DIVISION, DAKSHINA KANNADA. 574 201.

4. THE INSPECTOR OF POLICE, PUTTUR TOWN PS, PUTTUR TALUK, D.K-574 201. RESPONDENTS (BY SRI.S T NAIK.,AGA FOR R1-R4) -2- THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND

227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 24/04/2024 IN PROCEEDINGS BEARING NO. ADS M.A.G.C.R /49/2023-24 PASSED BY THE R2 (PRODUCED VIDE ANNEXURE-A) AND ALL FURTHER PROCEEDINGS PURSUANT THERETO. THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING IN B GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, the petitioner seeks quashing of the impugned externment order at Annexure-A dated 24/25.04.2024, passed by the 2nd respondent under Section 55(a) and (b) of the Karnataka Police Act, 1963 (for short the K.P. Act).

2. Heard learned counsel for the petitioner and learned AGA for the respondents and perused the material on record.

3. In addition to reiterating the various contentions urged

in the memorandum of petition and referring to the material on record, learned counsel for the petitioner submits that the impugned order passed by the 2nd respondent directing externment of the petitioner is not only contrary to the provisions and procedure prescribed / contained in Sections 55 to 58 of the K.P. Act, but also against the principles governing externment as enunciated by the -3- Apex Court in the case of Deepak vs. State of Maharashtra - 2022 SCC OnLine SC 99 which has been followed by this Court in the case of Giddappa Vs. Lambu

Giddappa Vs. State of Karnataka and others - W.P.No.8182/2023 dated 21.04.2023 and in the case of Shakeeb @ Mohammed Shakeebullah vs. State of Karnataka & others - W.P.No.14426/2023 dated 28.11.2023. It is therefore submitted that the impugned order passed by the respondents deserves to be quashed.

4. Per contra, learned AGA for the respondents would support the impugned order and submits that there is no merit in the petition and the same is liable to be dismissed.

5. As rightly contended by the learned counsel for the

petitioner, a perusal of the material on record including the impugned order will clearly indicate that the 2nd respondent has failed to follow the mandatory requirements and procedure prescribed under Sections 55 to 58 of the Karnataka Police Act, while passing the impugned order which is clearly contrary to the principles enunciated by the Apex Court and this Court in the judgments referred to supra. Under these circumstances, I am of -4- the view that the impugned order passed by the 2nd respondent at Annexure-A dated 24/25.04.2024 deserves to be quashed.

6. In the result, I pass the following:

ORDER

(i) Petition is hereby allowed.

(ii) The impugned order dated 24/25.04.2024 at Annexure-A passed by the 2nd respondent is hereby quashed. Sd/- (S.R.KRISHNA KUMAR) JUDGE BMC List No.: 5 Sl No.: 2

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