

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3614 OF 2026

Vignesh Ramesh Kamble

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Jugal Kanani a/w. Mr. Anurag Mishra, for the Petitioner.
Ms. Savita M. Yadav, APP, for Respondent No.1-State.
Mr. Swapnil Damare, API, Chunabhatti Police Station, Mumbai,
present in Court.

CORAM: MADHAV J. JAMDAR, J.
DATED : 27th JULY 2026

ORAL ORDER:

1. At the outset, Mr. Kanani, learned Counsel appearing for the Petitioner, seeks leave to annex a detailed order dated 3rd July 2026 passed by the Divisional Commissioner, Konkan Division, Navi Mumbai.

2. Leave as sought is granted.

3. Heard Mr. Kanani, learned Counsel appearing for the Petitioner and Ms. Yadav, learned APP appearing for Respondent No.1-State.

4. By the present Writ Petition filed under Articles 226 and 227 of the Constitution of India, the Petitioner is challenging the legality and validity of the Externment Order dated 21st January 2026 passed by Respondent No.2-Deputy Commissioner of Police, Zone-6, Chembur, Mumbai in Externment Case No.16/C/43 as also the order dated 3rd July 2026 passed by the Divisional Commissioner, Konkan Division, Navi Mumbai in Externment Appeal No.30 of 2026.

5. By the impugned order dated 21st January 2026, the Deputy Commissioner of Police, externed the Petitioner for a period of 18 months and by the impugned order dated 3rd July 2026, the Divisional Commissioner, Konkan Division, Navi Mumbai, dismissed the Appeal by confirming the said order.

6. Perusal of the impugned orders show that there are about 31 criminal cases which have been lodged against the gang leader-Sunil @Sunny Balaram Patil and the members of the gang of which said Sunil is the gang leader. The Petitioner is one member of said gang. There are total 4 criminal cases which have been lodged against the Petitioner, out of which, one case is *inter alia* under

Sections 302 and 307 of the Indian Penal Code, wherein the provisions of Maharashtra Control of Organised Crime Act, 1999 have been invoked. The said case is pending trial.

7. Although the learned Counsel of the Petitioner has relied on a decision of a learned Single Judge in the case of *Jabbar Razzak Shaikh & Anr. vs. The Divisional Commissioner, Pune & Ors.*¹ in that case, it has been held that although the Show Cause Notice refers to the statements of the witnesses 'A' and 'B' which are recorded 'in camera', in respect of these statements, only gist of their allegations are mentioned in the Show Cause Notice, whereas, in the impugned order in that case, detailed statements are recorded. Ms. Yadav, learned APP submits that the said decision is not applicable to the present case. She submits that the power under Section 55 of the Maharashtra Police Act, 1951 has been rightly invoked in the facts and circumstances.

8. In the present case, the Deputy Commissioner of Police as also the Divisional Commissioner has taken into consideration that the Petitioner is a member of a gang against which there are 31

1 Criminal Writ Petition No.3900/2018 dated 16/06/2023

criminal cases have been filed. There are 4 cases registered against the Petitioner along with others and the last one is *inter alia* for commission of offence under Sections 302 and 307 of the Indian Penal Code as also the provisions of the Maharashtra Control of Organised Crime Act, 1999 have been invoked. The said case is pending trial.

9. The subjective satisfaction contemplated under Section 55 of the Maharashtra Police Act, 1951, where the externment action is contemplated against the gangs and bodies of persons and under Section 56 of the Maharashtra Police Act, 1951, where the externment action is proposed against a person are totally different. As far as Section 55 of the Maharashtra Police Act, 1951 is concerned, the authorities can pass order of externment if the movement or encampment of any gang or body of persons in the area in his charge is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body of persons thereof. Thus, the subjective satisfaction is required to be recorded about the activities of gang or bodies of persons.

10. As far as the subjective satisfaction required under Section 56 where the action is contemplated against the person is if the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property or (b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, XVI or XVII of the Indian Penal Code (XLV of 1860), or in the abatement of any such offence.

11. Thus, the subjective satisfaction required to be recorded under Section 55 and under Section 56 is totally different.

12. In this case, the Petitioner is alleged to be a member of the gang. There are 31 cases registered against the gang of which the Petitioner is a member and the offences alleged *inter alia* lodged even against the Petitioner including under Section 302 of the Indian Penal Code.

13. Although learned Counsel appearing for the Petitioner contended that as far as the Petitioner is concerned, there are only

4 cases registered against him and he has been acquitted in three out of four cases, C.R. No.544 of 2023 was registered with the Chunabhatti Police Station, Mumbai, *inter alia* concerning offence under Section 302 of the Indian Penal Code and wherein the provisions of the Maharashtra Control of Organised Crime Act, 1999 have also been invoked. The said case is pending trial. The subjective satisfaction which is required to be recorded is about the activities of gang or bodies of persons of which the Petitioner is member. There is adequate material on record including against the Petitioner which demonstrate that subjective satisfaction recorded under Section 55 of the Maharashtra Police Act, 1951 is properly recorded in the facts and circumstances of this case.

14. The decision of the learned Single Judge in the case of ***Jabbar Razzak Shaikh*** (supra) is not applicable to the facts of this case.

15. Accordingly, no interference in the impugned orders is warranted.

16. The Writ Petition is dismissed.

[MADHAV J. JAMDAR, J.]

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