

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1694 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.
2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? No.

ABDUL SATTAR ABDUL KARIM KAZI

Versus

STATE OF GUJARAT

Appearance:

MR EE SAIYED for Petitioner
MR. UMESH TRIVEDI, ADDL.PUBLIC PROSECUTOR for
Respondents.

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 27/12/96

ORAL JUDGEMENT

The externee was served with a show cause notice dated 7-9-1995 under Section 59 of the Bombay Police Act, 1979. However, the order of externment was passed as late as on 18-10-1996.

2. Relying on the unreported decision of this Court dated 10-12-1996 rendered in Special Criminal Application No. 63 of 1996 learned Advocate for the petitioner submits that on account of this delay the Externment Authority cannot come to the conclusion that the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property so as to prevent him from certain areas.

3. Learned A.G.P. submits that this delay is on account of repeated adjournments sought by the externnee. In the said case, this Court has stated that even if the learned A.G. P. succeeds in convincing the Court that delay was on account of externnee it cannot be said that the authority holding the enquiry failed to regulate the proceedings in true spirit of the provisions of Section 59 of the Act.

4. in view of the aforesaid, this Special Criminal Application is allowed. The impugned order of externment dated 18-10-1996 and the order of confirmation dated 10-12-1996 passed in appeal are quashed and set aside. Rule is made absolute.

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