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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE VIVEK RUSIA  
ON THE 28<sup>th</sup> OF FEBRUARY, 2023  
WRIT PETITION No. 29559 of 2022**

**BETWEEN:-**

**KARAN SINGH S/O SHRI KASNA JI GUNDIYA, AGED  
ABOUT 56 YEARS, OCCUPATION: AGRICULTURIST  
VILLAGE PAADALGHATI, KALYANPURA TEHSIL  
JHABUA DISTRICT JHABUA (MADHYA PRADESH)**

**.....PETITIONER**

**(BY ASHAY JAIN- ADVOCATE)**

**AND**

- 1. THE STATE OF MADHYA PRADESH PRINCIPAL  
SECRETARY VALLABH BHAWAN, BHOPAL  
(MADHYA PRADESH)**
- 2. REVENUE COMMISSIONER INDORE DIVISION,  
COMMISSIONER OFFICE, DISTRICT INDORE  
(MADHYA PRADESH)**
- 3. OFFICE OF DISTRICT MAGISTRATE DISTRICT  
JHABUA (MADHYA PRADESH)**
- 4. OFFICE OF SUPERINTENDENT OF POLICE  
DISTRICT JHABUA (MADHYA PRADESH)**

**.....RESPONDENTS**

**( BY MS.VINITA PHAYE- GOVERNMENT ADVOCATE)**

*This petition coming on for orders this day, the court passed the  
following:*

**ORDER**

The petitioner has filed the present petition being aggrieved by the order dated 24.05.2022 passed by District Magistrate in Case No.11/Externment/2022 whereby he has been externed for the period of one year not only from nearby

by District of Jhabua i.e. Dhar, Ratlam, Badwani, Alirazpur but also Banswara and Dahod which comes under the territory of State of Rajasthan and Gujarat respectively.

Against the said order, the petitioner preferred an appeal before the Commissioner which has been partly allowed and the order of externment with respect to the Districts Baswara (Rajasthan) and Dahod (Gujrat) has been set aside whereas the Externment Order of petitioner from Jhabua, Dhar, Ratlam, Alirajpur & Barwani has been affirmed. Hence, this petition before this Court.

Learned counsel for the petitioner submits that on the basis of material available the District Magistrate, Jhabua initiated proceedings of externment. Vide order dated 02.01.2021, the proceedings were dropped and thereafter no fresh criminal cases have been registered against the petitioner. Only on the basis of old criminal cases registered against the petitioner, again proceedings have been initiated under Section 5 (a) (b) of the *M.P. Rajya Suraksha Adhiniyam, 1990 (hereinafter referred to as "Adhiniyam, 1990")*. Learned counsel for the petitioner further submits that merely on the basis of number of old cases proceedings are not liable to be done as held by Division Bench of this Court in case of *Ashok Kumar Patel Vs. State of M.P. & others, 2009(4) MPLJ 434*. Learned counsel for the petitioner further submits that out of one year externment period, the petitioner has already suffered 9 months externment from the districts as affirmed in the Appeal before the Commissioner. Therefore, impugned order is liable to be quashed.

Government Advocate opposes the prayer made by the petitioner by submitting that on the basis of material available in the Writ Petition, as many as 19 criminal cases were registered against the petitioner in various police station and after 2020 prohibiting proceedings were initiated against him. The petitioner

remained *ex-parte* before the District Magistrate, he proceeded *ex-parte*.

Petitioner has filed the copy of order dated 02.01.2021 whereby he was subjected to externment proceedings by detailed order, thereafter proceedings were dropped and within a one year fresh proceedings has been initiated.

So far as criminal cases registered against the petitioners is concerned, 11 cases were registered at Police Station Kalyanpura and 8 cases were registered at Police Station- Raipuriya. In some of the cases, the petitioner got acquittal or some cases are pending. It is not the case of the petitioner that he approached this Court with absolute clean criminal record but facts remains that he already subjected proceedings under the Adhiniyam, 1993 but nothing was found against him and matter was closed. The petitioner has already suffered 9 months externment period.

In view of above, Writ Petition is partly allowed. The externment period of 12 months is reduced to the period of 9 months upon furnishing bond of Rs. 50,000/- (Rupees Fifty Thousands Only) with an undertaking that the petitioner will not be involved any criminal activities in future.

Certified copy as per rules.

**(VIVEK RUSIA)**  
**JUDGE**

Praveen