



**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH
DATED THIS THE 28TH DAY OF MARCH, 2023**

BEFORE

**THE HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM
WRIT PETITION NO. 102074 OF 2023 (GM-POLICE)**

BETWEEN:

SIDDU S/O PANDU ALIAS PANDAPPA INDI
AGE. 20 YEARS, OCC. STUDENT,
R/O. HEGOOR RC TALUKA BILIGI,
DISTRICT BAGALKOT.

...PETITIONER

(BY SRI. RAJA RAGHAVENDRA V.NAIK, ADVOCATE)

AND:

1. STATE OF KARNATAKA REP BY PRINCIPAL SECRETARY
DEPARTMENT OF HOME, VIDHANA SOUDHA,
BENGALURU 560001.
2. DEPUTY COMMISSIGNER
DISTRICT BAGALKOT
3. SUPERINTENDENT OF POLICE
DISTRICT BAGALKOT
4. ASSISTANT COMMISSIONER
TALUKA JAMKHANDI,
DISTRICT BAGALKOT
5. POLICE INSPECTOR
GARAG POLICE STATION,
BILAGI, DISTRICT BAGALKOT.

...RESPONDENTS

(BY SRI.PRASHANT V MOGALI, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT
IN THE NATURE OF CERTIORARI TO QUASH THE NOTICE ISSUED
BY THE RESPONDENT NO.4 ASSISTANT COMMISSIONER DATED





02.03.2023 VIDE NO.MAG/CR-237/2022-23 ANNEXURE-A TO THE PETITIONER IN THE INTEREST OF JUSTICE.

THIS PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The captioned writ petition is filed by petitioner feeling aggrieved by the order passed by respondent No.4/Assistant Commissioner under Section 55 of the Karnataka Police Act, 1963 (for short, 'Act, 1963') in externing the petitioner from Jamakhandi to Sedam Taluk on the ground that there is reasonable apprehension that the petitioner would engage in commission of offences.

2. The said order is challenged at the instance of the petitioner by contending that he is pursuing B.Sc. Course and his examinations are scheduled to commence from 22.02.2023 and end on 8.4.2023. Therefore, petitioner is before this Court seeking urgent relief at the hands of this Court by specifically contending that impugned order passed by Assistant Commissioner is



arbitrary and in the absence of material on record warranting externment of the petitioner from Jamkhandi.

3. Learned HCGP however would strongly resist and contend that the present writ petition is not maintainable as the petitioner has remedy of appeal.

4. Perused the material on record. Having regard to the fact that the petitioner is pursuing his studies and his exams are scheduled to commence from 22.02.2023 and end on 8.4.2023, this Court is of the view that the petitioner is entitled for some protection. While relegating the petitioner to avail remedy of appeal, this Court deems it fit to stay the execution and operation of the impugned order passed by the Assistant Commissioner for a period of two weeks from today enabling the petitioner to appear for scheduled examinations. This order shall be in force only for a period of two weeks. The petitioner shall give an undertaking before the Assistant Commissioner that he will not indulge in any activities which would attract Section 55 of the Act, 1963.



5. With these observations, writ petition stands disposed of reserving liberty to the petitioner to assail the order passed by respondent No.4/Assistant Commissioner vide Annexure-A before the competent Authority.

**SD/-
JUDGE**

JTR/List No.: 3 SI No.: 1