

Karnataka High Court
Sunil Kumar vs The State Of Karnataka on 23 May, 2023
Bench: Krishna S.Dixit

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WP No. 7712 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MAY, 2023

BEFORE

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

WRIT PETITION NO. 7712 OF 2023 (GM-RES)

BETWEEN:

SUNIL KUMAR,
S/O KASHINATHA,
AGED ABOUT 54 YEARS,
SIMPIGA CASTE, WORKING AS TAILOR,
R/AT GANDHI NAGAR, SHIRALAKOPPA TOWN,
SHIVAMOGGA DISTRICT - 477 428.

...PETITIONER

(BY SRI.SANDESH T B.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
VIDHANA SOUHDA, AMBEDKAR VEEDHI,
BANGALORE - 01.
REPRESENTED BY ITS SECRETARY.
2. THE ASSISTANT COMMISSIONER AND
SUBDIVISION MAGISTRATE SAGAR SUB-DIVISION,
SAGAR TALUK, SHIVAMOGGA DISTRICT - 577 401.
3. THE SUB-INSPECTOR OF POLICE,
SHIRALKOPPA TOWN POLICE,
SHIKARIPURA TALUK,
SHIVAMOGGA DISTRICT - 577 428.
4. THE CIRCLE INSPECTOR,
SHIRALKOPPA TOWN POLICE,
SHIKARIPURA TALUK,
SHIVAMOGGA DISTRICT - 577 428.

...RESPONDENTS

(BY SRI. B V KRISHNA., AGA)

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Digitally signed
by SHARADA
VANI B
Location: HIGH
COURT OF
KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 07.03.2023 IN ORDER BEARING NO.MAG (EXILE) VIVA.500/2021-22 PASSED BY THE R-2 VIDE ANNEX-D.

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

ORDER

Petitioner is seeking to lay challenge to the externment order. Learned counsel for the Petitioner submits that such orders cannot be made in a routine basis as was done during the Colonial Era since they have immense implication on the personal liberty constitutionally guaranteed under Article 21. He also argues that the order does not reflect due application of mind to the material on record and therefore, needs to be invalidated.

2. Learned AGA appearing for the Respondents opposes the Writ Petition contending that the order of the kind has been made after looking into any antecedents of the Petitioner who happens to be a habitual gambler and there are Good Conduct Bonds given by him and even WP No. 7712 of 2023 they have not brought civility to the Petitioner. In matters like this, the Writ Court should not grant any indulgence. Having so contended, he now agrees with the suggestion of this Court that should the Petitioner furnish a give Good Conduct Bond for a period of six months, the impugned order should not be effected unless he breach that too.

In view of the above, this Writ Petition is disposed off with a stipulation that the Petitioner shall execute a Good Conduct Bond for a sum of Rs.5,00,000/- (Rupees Five Lakh) only within a period of two weeks. It hardly needs to be stated that should Petitioner fail to execute one, the impugned order at once becomes enforceable. If the Petitioner commits breach of the Bond, the Bond amount shall be forfeited to the State Exchequer Ordered accordingly.

Sd/-

JUDGE Bsv