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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION NO. 6224 of 2021

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HASHUMATIBEN WD/O SHRAVANBHAI AMJIBHAI MAKWANA
Versus
STATE OF GUJARAT

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Appearance:

MR AMIT N CHAUDHARY, ADVOCAT for the Petitioner

MR HARDIK SONI, APP for the Respondent - State

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CORAM: HONOURABLE MR. JUSTICE PARESH UPADHYAY

Date : 06/07/2021

ORAL ORDER

1. Challenge in this petition is made to the order passed by the Sub Divisional Magistrate, Bharuch dated 23.02.2021 whereby the present petitioner is externed for a period of six months from the District of Bharuch. The said order is stated to have been passed in exercise of powers under Section 56(a) of the Gujarat Police Act, 1951.

2. Rule. Learned APP waives service of notice of Rule on behalf of the respondents.

3. Heard learned advocate for the petitioner and learned Additional Public Prosecutor for the respondent Authorities.

4. Learned advocate for the petitioner has submitted that the petitioner is a widow and if the quantity of liquor referred to in the FIRs in question is looked at, most of the FIRs are for 3/4 liters.

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5. This Court has considered the contents of the impugned order dated 23.02.2021. The State need to respond, on the basis of the stakes involved in the matter, how State visualizes the lady to earn her livelihood, from being away from her home for six months, most of which has passed by this time.

6. Having heard learned advocate for the petitioner and learned APP for the respondent Authorities and having considered the totality and the material on record, this Court finds that ends of justice would meet if the further execution and implementation of the externment order is suspended.

7. In view of above, it is ordered that further implementation and execution of the impugned externment order shall remain stayed, untill further orders.

8. List on 06.08.2021.

M.H. DAVE/51

(PARESH UPADHYAY, J)

THE HIGH COURT
OF GUJARAT

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