

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**Reserved on 10.12.2025
Pronounced on 24.12.2025
Uploaded on 24.12.2025**

Whether the operative part or full judgment
is pronounced: **Full**

CJ Court:

LPA No.244/2025

Ravinder Kumar *alias* Shanu
th. Sunita Devi

...Petitioner(s)/Appellant(s)

Through: Mr. Asheesh Singh Kotwal, Adv.

v/s

Union Territory of J&K and others

.... Respondent(s)

Through:

Ms. Monika Kohli, Sr. AAG

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

JUDGMENT

OSWAL-J

1. Aggrieved by the order of detention bearing No. PSA/141 dated 30.01.2025 passed by respondent No. 2 in exercise of powers conferred under Section 8 of the Jammu and Kashmir Public Safety Act, 1978 (hereinafter referred to as "the Act") on the premise that the activities of the appellant were prejudicial to the maintenance of public order, the appellant preferred a writ petition bearing HCP No. 63/2025, titled, 'Ravinder Kumar *alias* Shanu vs. U. T. of J&K and others', assailing the aforesaid detention. However, the

said writ petition came to be dismissed by the learned Writ Court vide order dated 22.09.2025.

2. Aggrieved by the order dated 22.09.2025, the appellant has filed this intra-court appeal, *inter alia*, on the following grounds:
 - (i) That the learned Writ Court has not taken into consideration the fact that out of three FIRs relied upon by the Detaining Authority while issuing the order of detention, one FIR bearing No. 05/2022, registered at Police Station, Billawar for offences under sections 341, 323, 247 IPC stood closed on account of compounding before the Lok Adalat.
 - (ii) That the learned Writ Court did not decide the main contention of the appellant in respect of not informing him the grounds of detention in a language understood by him.
 - (iii) That the respondent No. 2 has not drawn any subjective satisfaction prior to the passing of the order of detention.
3. Mr. Asheesh Singh Kotwal, learned counsel appearing for the appellant, contended that the learned Writ Court has failed to take into consideration that, out of the four FIRs relied upon by the Detaining Authority while issuing the order of detention, case arising out of one FIR had already been closed by the Lok Adalat. It was further argued that the Detaining Authority did not record the requisite subjective satisfaction prior to issuance of the detention order, rendering the same unsustainable in law.
4. On the contrary, Ms. Monika Kohli, learned Sr. AAG representing respondents has vehemently argued that the order of detention has been issued in accordance with law after taking into consideration the illegal activities of the appellant. She has submitted that all the constitutional and procedural safeguards were duly complied with by the respondents not only

while issuing the order of detention, but also at the time of its execution. She has further submitted that the appellant was provided the material relied upon by the Detaining Authority and that the appellant had also submitted a representation against his preventive detention before the Advisory Board, which was duly considered, and rejected by the Board in terms of order dated 20.02.2025, whereby the Advisory Board opined in favour of detention of the appellant under the Act. She has laid much stress that the learned Writ Court has considered all the submissions and grounds raised by the appellant while assailing the detention order and has rendered the judgment impugned strictly in accordance with law.

5. Heard learned counsel for the parties and perused the record including the record of detention produced by the learned counsel for the respondents.
6. The record depicts that vide communication dated 13.11.2024, the Sponsoring Agency i.e. Senior Superintendent of Police, Kathua, respondent No. 3 herein, requested respondent No. 2 to detain the appellant under the Act, as his activities were found to be prejudicial to the maintenance of public order. In the dossier, reference was made to four FIRs and two DD Reports. Respondent No. 2, after perusing the dossier and the accompanied documents, prepared the grounds of detention, thereby recording his satisfaction that the criminal activities attributed to the appellant, as detailed in the dossier furnished by the Sponsoring Agency, reveal that the appellant is a habitual offender and his activities have caused widespread fear, insecurity and terror among public, thereby seriously disrupting public peace, order and tranquility in the area. Thereafter, respondent No.2 issued the order of detention and stated that the appellant is

a hardcore criminal, involved in such activities, which pose a serious threat to the maintenance of public order.

7. The order of detention came to be executed on 31.01.2025 and the material comprising of (48) leaves i.e. copy of detention warrant (02) leaves, the grounds of detention (05) leaves and other documents (41) leaves, relied upon by respondent No.2 were provided to the appellant and in acknowledgment thereof, he signed the receipt of detention warrant in English. Likewise, in the execution report also, the appellant signed in English thereby acknowledging the receipt of detention warrant, copies of FIR and other documents. The appellant submitted a representation dated 03.02.2025 to the Chairman Advisory Board, constituted under the Act. The Board vide order dated 20.02.2025 considered the representation but rejected the same and opined in favour of the detaining the appellant, as the Board found that the activities of the appellant are prejudicial to the public order. The Government after obtaining the opinion of the Advisory Board confirmed the order of detention vide order dated 03.03.2025.
8. The first contention raised by the appellant is that the learned Writ Court has not considered the fact that the offences arising out of FIR bearing No. 5/2022 registered with Police Station Billawar were compounded, while it is true that the learned Writ Court has not taken into consideration the order of the Lok Adalat dated 17.09.2022, whereby the offences were compounded and the appellant was acquitted but solely on this ground, the order of detention cannot be quashed. Besides, there are three other FIRs registered against the appellant, and mere acquittal in one FIR would not, by itself, vitiate the order of detention. Even assuming that the appellant could not

have been detained by placing reliance upon FIR No. 05/2022, the detention could still have been validly ordered on the basis of the allegations contained in the remaining three FIRs. In terms of section 10A of the Act, even if the order of detention is not sustainable on one ground, the order of detention cannot be held to be invalid in law, if on other grounds the same is sustainable. There is no force in this contention of the appellant, as such, the same is rejected.

9. It was next contended that respondent No. 2 had not derived the requisite subjective satisfaction in respect of the alleged illegal activities of the appellant, considered to be prejudicial to the maintenance of the public order before issuing order of detention and on this ground alone, the order of detention is not sustainable but the learned Writ Court has not appreciated this contention of the appellant. Respondent No. 2, besides placing reliance of FIR No. 05/2022, also relied upon FIR No. 37/2023 for offences under sections 382, 342, 323 and 34 IPC, FIR No. 118/2023 for offences under section 382, 341, 323 and 34 IPC and FIR No. 104/2024 for offences under sections 132, 351(2), 352 BNS. After examining the allegations and upon due application of mind, respondent No. 2 arrived at the conclusion that the detention of the appellant was necessary for the maintenance of public order.
10. It is settled law that while exercising the power of judicial review, the courts cannot sit as a court of appeal over the subjective satisfaction recorded by the Detaining Authority. In this context, it is proper to take note of the observations made by the Hon'ble Apex Court in "**Joyi Kitty Joseph vs.**

Union of India and ors., 2025 INSC 327”, relevant paragraphs are extracted as under:

“15. We are not examining the conditions imposed by the Magistrate since it was for the detaining authority to look into it and enter into a subjective satisfaction as to whether the same was sufficient to avoid a preventive detention or otherwise, insufficient to restrain him from further involvement in similar smuggling activities. As has been held in *Rameshwar Lal Patwari v. State of Bihar* (AIR 1968 SC 1303) :

“The formation of the opinion about detention rests with the Government or the officer authorized. Their satisfaction is all that the law speaks of and the courts are not constituted an Appellate Authority. Thus the sufficiency of the grounds cannot be agitated before the court. However, the detention of a person without a trial, merely on the subjective satisfaction of an authority however high, is a serious matter. It must require the closest scrutiny of the material on which the decision is formed, leaving no room for errors or at least avoidable errors. The very reason that the courts do not consider the reasonableness of the opinion formed or the sufficiency of the material on which it is based, indicates the need for the greatest circumspection on the part of those who wield this power over others.’

16. If there is a consideration, then the reasonableness of the consideration could not have been scrutinized by us in judicial review, since we are not sitting in appeal and the provision for preventive detention provide for such a subjective satisfaction to be left untouched by the Courts. However, when there is no such consideration then we have to interfere.”

(emphasis added)

11. Having conducted an independent examination of the matter, we find no procedural error either in the issuance or in the execution of the order of detention by the Detaining Authority. Moreover, the appellant's representation was considered by the Advisory Board but was found to be without merit.
12. We have also examined the judgment rendered by the learned Writ Court and the view of the learned Writ Court is unexceptionable. As such, we do not find any merit in the instant *intra-court* appeal. Accordingly, the same is **dismissed.**

13. Detention record, produced by the learned counsel for the respondents, be returned.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

JAMMU:
24.12.2025
Rakesh PS

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No

