

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1644 OF 2026

Khandu Pandurang Gangurde.
Age 62 years, an Indian, residing at
Vijay Chowk, Munjababa chowk, Phule
Nagar, peth Road, Panchavati, Nashik. ... Petitioner.

V/s.

1. The State of Maharashtra,
Through the Secretary, Home
Department (Special),
Mantralaya, Mumbai-400 032.
2. The Commissioner of Police,
Nashik City. Nashik.
3. The Superintendent of Nashik
Road Central Prison, Nashik. ... Respondents

Ms.Aisha Ansari for the Petitioner.
Ms.M.M.Deshmukh, Addl.PP for the Respondent- State.

**CORAM : SARANG V. KOTWAL &
RANJITSINHA RAJA BHONSALE, JJ.**

DATE : 11th September 2026.

JUDGMENT: (Per Sarang V. Kotwal, J.)

1. The Petitioner has challenged the detention of his son Rohit Gangurde, who was detained in pursuance of the order dated 9th December 2025 passed by the Commissioner of Police, Nashik City-

Respondent No.2. The order was passed under Maharashtra Prevention of Dangerous Activities Act, 1981 (“MPDA Act” for short).

2. By a separate committal order dated 9th December 2025, he was directed to be detained at the Central Prison, Nashik Road, Nashik.

3. The State Government approved the detention order passed by Respondent No.2 on 18th December 2025. A reference was made to the Advisory Board under section 10 of the MPDA Act, on 18th December 2025. The Advisory Board gave its opinion dated 27th January 2026. It was received by the Government on 27th January 2026 and the order of detention was confirmed by the State Government on 11th February 2026.

4. Heard Ms. Ansari, learned counsel for the Petitioner and Ms. Deshmukh, learned Addl.PP for the Respondent- State.

5. The Petitioner was served with the grounds of detention dated 9th December 2025 along with the detention order. The grounds of detention run into 14 paragraphs. The relevant averments contained in the grounds of detention are referred to in the following paragraphs at appropriate places.

6. Paragraph-1 records that Respondent No.2 was intimating the detenu of the basic points mentioned in paragraphs- 4A, 4A(i),

4A(ii) and 5(i) and 5(ii) based on which the detention order under section 3(2) of the MPDA Act was issued. Paragraphs 4A(i) and 4A(ii) refer to two registered offences and paragraph 5(i) and 5(ii) refer to two in-camera statements.

7. Paragraph-2 of the grounds of detention mentions that the criminal record of the detenu shows that as per section 2(b-1) of the MPDA Act, the detenu was a dangerous person. The public order in the areas of Pethroad, Navnath Nagar, Phule Nagar, Shani Mandir, Macchi Market, Dindori Naka, Sharad Pawar Market Yard, Bhaktidham and the areas nearby and adjacent were in danger.

8. Paragraph-3 specifically mentions that there were various offences registered against the detenu, those offences indicated his past criminal background and that Respondent No.2 has considered them only to understand his criminal background as well as his mentality, nature and method. It was specifically further mentioned that they are only referred rather than relying on it, but he was definitely relying on two offences mentioned in paragraphs- 4A, 4A(i) and 4A(ii) and two confidential statements mentioned in paragraphs- 5(i) and 5(ii).

9. Paragraph- 3A gives the list of seven offences. Six of those offences were registered at Panchavati Police Station and the seventh offence was registered at Mhasrul Police Station. They were registered between the years 2017 to 2023. Paragraph-3B mentions

Chapter Case No.51/2021 under section 129 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS” for short) dated 20th August 2025 initiated at the instance of Panchavati Police Station. In that case, a bond was taken on 22nd August 2025. There is another order passed under section 56(1)(a)(b) of the Maharashtra Police Act dated 3rd August 2023 externing the detenu for a period of two years from the jurisdiction of Nashik City and Nashik Rural. Apart from these two actions, there is a reference to the earlier Detention Order dated 8th September 2021 passed by the Commissioner of Police, Nashik City bearing No.D.O./2021/MPDA/DET-09/CB-17 pursuant to which he was detained for one year. He was released from the Central Prison, Nashik Road on 8th September 2022 after completion of twelve months detention.

10. Paragraph- 4 of the grounds of detention refers to two cognizable offences. Paragraph-4A(i) gives the details of CR No.363/2025 registered at Panchavati Police Station on 23rd July 2025 under section 194(2), 189(2), 191(1), 191(2) and 190 of the Bharatiya Nyaya Sanhita, 2023 (“BNS” for short) read with section 7 of Criminal Law Amendment Act, 1932 read with section 142 of the Maharashtra Police Act. The incident was dated 23rd July 2025. The incident involved a quarrel between two groups. Firing took place during the incident. Stones and bottles were thrown at each other. The detenu reached the spot. A scuffle went on between two groups. The police prevented further acceleration of the offence but they kept fighting amongst themselves. The Crime Investigation Team Officer

identified the accused. The detenu was one of them and, hence an offence was registered against him. He was issued a notice under section 35(3) of BNSS.

11. Paragraph-4A(ii) refers to CR No.452/2025 registered at Panchavati Police Station on 26th September 2025 under sections 109, 126(2), 352, 351(2), 351(3), 329(4) and 3(5) of BNS read with section 4/25 of the Arms Act. The offence was in respect of an incident dated 25th September 2025 which took place at 8.30 pm. The detenu pointed a sharp weapon on the complainant's neck and threatened him and the crowd near him. In that connection the detenu was arrested on 26th September 2025. He was granted bail on 4th November 2025.

12. Paragraph-5(i) of the grounds of detention refers to the in-camera statement of witness-A recorded on 18th November 2025 in respect of the incident that took place in third week of August 2025. The detenu in the evening time took out a chopper and threatened the witness and forcibly removed Rs.1,100/-. He threatened the crowd that had gathered there.

13. Paragraph-5(ii) refers to the in-camera statement of witness-B recorded on 18th November 2025 in respect of incident that took place in the first week of September 2025. It was a similar incident involving the issuance of threats at the knife point and forcible removal of Rs.800/-. The crowd was also threatened.

14. Paragraph-6 of the grounds of detention mentions that Respondent No.2 had minutely considered the offences of the recent past mentioned in paragraphs- 4A(i) and 4A(ii) and the confidential statements mentioned in paragraphs- 5(i) and 5(ii) which were submitted before him. It is further mentioned that the detenu had proved himself to be a dangerous person within the meaning of section 2(b-1) of the MPDA Act.

15. Paragraph- 8 of the grounds of detention further mentions that the detaining Authority, on careful examination of all the documents submitted before him, reached to the conclusion that the detenu's criminal activities were adversely affecting public order and further satisfaction was recorded that it was necessary to detain him under the MPDA Act.

16. Paragraph- 14 further emphasizes that Respondent No.2 had intimated to the detenu about the offences registered against him and mentioned in paragraph-3(A) showing his previous criminal background and that those were used only for reference and the said background neither inferred his mind to pass the detention order nor was he relying upon them to pass the detention order.

17. The learned counsel for the Petitioner submitted that Respondent No.2 had taken into consideration the past history. On the previous occasion, the detention order was passed based on the same past history of the same registered offences and, therefore,

Respondent No.2 on this occasion could not have passed the detention order based on the same registered offences. She invited our attention to the grounds furnished to the detenu on the earlier occasion, i.e. in connection with the detention order dated 8th September 2021. Those grounds of detention dated 8th September 2021 make a reference to CR No.830/2019, CR No.394/2020, CR No.48/2021, and CR No.117/2021. All these offences were registered at Panchavati Police Station and all of these offences were mentioned in paragraph-3(A) of the grounds of detention of the present detention order under challenge. She, therefore, submitted that this course was not open to the detaining Authority.

18. Learned counsel relied on ground (iv) taken in the Petition which reads as follows:

"(iv) The Petitioner says and submits that in the grounds of detention the detaining authority has kept reliance on 7 pending cases against the detenu. It is to be noted out of which four CRS have already considered by the than detaining authority when he has issued the impugned Order of detention dated 08.09.2021 against the detenu.

The Petitioner states that again the detaining authority has relied the said stale ground which has been already considered by the detaining authority while issuing detention order against the detenu dated 08.09.2021. The petitioner states that in the ground of detention the detaining authority stated that to show that the detenu is a habitual offender by listing 7 crimes. The detenu has undergone a whole one year of imprisonment and thus it come to finality. The Petitioner states that against considering the same offence shows non-application of mind on the part of detaining authority.

This shows non application of mind on the part of detaining authority which makes subjective satisfaction of the detaining authority as sham and unreal. The Impugned Order of detention based on such satisfaction is malafide null and void."

19. In support of her contention, she relied on the following three judgments:

- (i) ***Chhagan Bhagwan Kahar v. N.L.Kalna and others*** reported in (1989) 2 SCC 318;
- (ii) ***Jahangirkhan Fazalkhan Pathan v. Police Commissioner, Ahmadabad and another*** reported in (1989) 3 SCC 590; and
- (iii) ***Ameena Begum v. State of Telangana and others*** reported in (2023) 9 SCC 587.

20. Learned A.P.P, on the other hand, relied on the affidavit-in-reply filed by Respondent No.2. The response to ground (iv) of the Petition is mentioned in paragraph-15 of the affidavit-in-reply of Respondent No.2, which reads thus:

"15. With reference to Ground No.5(iv) of the Petition, it is denied that again considering the same offence shows non application of mind on the part of detaining authority which makes subjective satisfaction of the detaining authority as sham and unreal. It is further denied that the Order of detention based on such satisfaction is malafide null and void.

It is further submitted that the satisfaction arrived at by the detaining authority is based on relevant and good conscience grounds.

It is further submitted that, the offences registered against the detenu, indicate detenu's past criminal background and the detaining authority have considered it only to understand the criminal inclination as well as detenu's

mentality, nature and method. The actions being done by the detenu and its impact on the society were closely observed and understood. However, it is only referred rather than relying on it. The detaining authority has definitely relied on two offences mentioned and two confidential statements in the grounds.

It is submitted that from the above facts and circumstances the detaining authority had reached to a clear and certain inference that petitioner is a hardened criminal, who creates fear and terror in the areas and for whom, established penal code of law and preventive actions have failed to stop from committing unlawful activities. From the series of past offences, it is learnt that whenever detenu committed an offence, he after getting released on bail, he repeatedly committed offences thereby disturbing the public tempo. Therefore, in light of the circumstances and incidents the detaining authority was constrained to reach conclusion that no other option is left other than detaining the petitioner under Section 3(2) of MPDA Act 1981 to maintain the public order.

The detention order is based on good legal conscience and cogent and material evidence.”

21. We have considered these submissions. In case of ***Chhagan Bhagwan Kahar*** (supra), the relevant observations are made in paragraphs 12, 13 and 15, which read thus:

“12. It emerges from the above authoritative judicial pronouncements that even if the order of detention comes to an end either by revocation or by expiry of the period of detention there must be fresh facts for passing a subsequent order. A fortiori when a detention order is quashed by the court issuing a high prerogative writ like habeas corpus or certiorari the grounds of the said order should not be taken into consideration either as a whole or in part even along with the fresh grounds of detention for drawing the requisite subjective satisfaction to pass a fresh order because once the court strikes down an earlier order by issuing rule it nullifies the entire order.”

“13. In the present case, no doubt, the order of detention

contains fresh facts. In addition to that the detaining authority has referred to the earlier detention order and the judgment of the High Court quashing it, presumably for the purpose of showing that the detenu in spite of earlier detention order was continuing his bootlegging activities. But what the detaining authority says clearly in para 9 of his affidavit in reply is that he took into consideration the previous grounds of detention also for his conclusion that the detenu "was engaged in bootlegging activities since long". In other words the detaining authority has taken into consideration the earlier grounds of detention which grounds had been nullified by the High Court in Special Criminal Application No. 46 of 1987 by issuing a prerogative writ of habeas corpus."

"15. Mr Poti has sought to explain the statement of the detaining authority made in his counter saying that the earlier proceeding was considered only for limited purpose of taking note of the detenu's continued involvement of bootlegging activities; but the entire grounds of earlier detention as they were, were not considered. We are unable to accept this explanation because the detaining authority, in the counter, in clear terms had expressed that he considered the earlier grounds of detention also. Incidentally, it was brought to our notice that a copy of the earlier grounds of detention was also one of the documents furnished to the detenu in the present case which confirms the fact that the detaining authority has considered the earlier grounds of detention along with other documents for drawing his requisite subjective satisfaction for passing this impugned order. In other words, the earlier grounds of detention dated 2-1-1987, quashed by the High Court was one of the material documents considered by the detaining authority in drawing his subjective satisfaction. Therefore, we hold that this order of detention is vitiated on the ground that the detaining authority has taken into consideration the grounds of earlier detention order along with other materials for passing this impugned order. Hence, the order is liable to be set aside. Accordingly, we quash the detention order on this ground and direct that the detenu be set at liberty forthwith if his detention is not required for any other case."

There is a major difference in the case before the Hon'ble Supreme Court and the present case. In the case before the Hon'ble Supreme Court, the earlier detention order was quashed by the High Court and hence it was observed that once the Court strikes down an earlier order by issuing rule, it nullifies the entire order. Further it was also noted by the Hon'ble Supreme Court that the reply of the detaining Authority clearly mentioned that he took into consideration the previous grounds of detention also for reaching his conclusion in passing the fresh detention order. Such is not the case in the facts of the present case. First of all, the earlier detention order was not set aside by the High Court and, more importantly, Respondent No.2 is very specific in his grounds as well as in his reply that he has not taken into consideration the past history of the detenu for passing the present detention order but he has only referred to that history. The Hon'ble Supreme Court had observed in paragraph-15 that the detaining Authority, in clear terms had expressed that he had considered the earlier grounds of detention also. In the present case, the detaining Authority has specifically stated that he has not considered the previous offences which were subject matter of the earlier detention order.

22. Similarly, even the observations in *Jahangirkhan Fazalkhan Pathan* (supra) does not help the detenu in the present case. The relevant observations in the said case are mentioned in paragraphs-5 and 7, which read thus:

“5. The most important question that posed itself for consideration in this case is whether the detaining authority

while considering the fresh facts disclosed in the grounds of detention has taken into consideration the earlier two detention orders — one of 1985 under the National Security Act and the other of 1986 under the PASA Act in forming his subjective satisfaction that the detenu in spite of the passing of the earlier two detention orders has been persistently indulging in his anti-social activities and as such in preventing such criminal activities which posed a threat to the maintenance of public order the impugned order of detention has been made by him. It is now well settled by the decisions of this Court while considering the scope of Section 15 of PASA Act that the modification and revocation of detention order by the State Government shall not bar making of another detention order on fresh facts when the period of detention has come to an end either by revocation or by expiry of the period of detention”

“7. In the present case, admittedly in the grounds of detention specific reference has been made to the earlier two orders of detention made in 1985 and 1986 against the petitioner. It is also evident that in the schedule of documents annexed to the grounds of detention not only the copies of the order of detention but also of the grounds of detention in the earlier detention cases have been given to the petitioner. It also appears from the statements made in the grounds of detention that the detaining authority took into consideration the previous grounds of detention as well as the orders made therein even though the same were nullified by the High Court as well as by the Advisory Body, presumably, for the purpose of showing that the detenu in spite of those earlier orders of detention was continuing in his bootlegging activities. It has been tried to be contended on behalf of the detaining authority that though the earlier two detention orders have been mentioned in the grounds of detention and the copy of the orders passed in the previous detention cases as well as the grounds of detention were supplied to the detenu yet these were not at all considered by him in forming subjective satisfaction for clamping the order of detention. This submission cannot be sustained in view of the statements made in the grounds of detention.”

It was observed that from the statements made in the grounds of detention it appeared that the detaining Authority took into consideration the previous grounds of detention as well as the orders made therein even though the same were nullified by the High Court as well as by the Advisory Board. Again, the facts in this case and the statement of the detaining Authority in the case before us are entirely different. Therefore, even this judgment does not help the detenu.

23. The learned counsel then relied on the case of ***Ameena Begum*** (supra). In this context, paragraphs 49, 50, 53, 55 and 56 are important, which are as follows:

“49. Now, we proceed with the second issue as to whether there was proper application of mind to all relevant circumstances or whether consideration of extraneous factors has vitiated the detention order.”

“50. Considering past criminal history, which is proximate, by itself would not render an order illegal. The Commissioner in the detention order made pointed reference to the detenu being a habitual offender by listing 10 (ten) criminal proceedings in which the detenu was involved during the years 2019-2020, consequent to which the detenu was preventively detained under the Act *vide* order of detention dated 4-3-2021, since quashed by the High Court by its order dated 16-8-2021 [*Hakeem Khan v. State of Telangana*, 2021 SCC OnLine TS 3663] . It is then stated therein that the detenu had committed 9 (nine) offences in the years 2022-2023, and these offences are again listed out in detail. However, the Commissioner states that the present order of detention is based only on 5 (five) out of these 9 (nine) crimes, which are alleged to show that the detenu's activities are “prejudicial to the maintenance of public order, apart from disturbing peace and tranquillity in the area”.”

“53. Although the Commissioner sought to project that he ordered detention based on the said 5 (five) FIRs, indication of the past offences allegedly committed by the detenu in the detention order having influenced his thought process is clear. With the quashing of the order of detention dated 4-3-2021 by the High Court and such direction having attained finality, it defies logic why the Commissioner embarked on an elaborate narration of past offences, which are not relevant to the grounds of the present order of detention. This is exactly what this Court in *Khaja Bilal Ahmed* [*Khaja Bilal Ahmed v. State of Telangana*, (2020) 13 SCC 632: (2020) 4 SCC (Cri) 629] deprecated. Also, as noted above, this Court in *Shibban Lal Saksena* [*Shibban Lal Saksena v. State of U.P.*, (1953) 2 SCC 617: AIR 1954 SC 179] held that such an order would be a bad order, the reason being that it could not be said in what manner and to what extent the valid and invalid grounds operated on the mind of the authority concerned and contributed to his subjective satisfaction forming the basis of the order.”

“55. Since the aforesaid order of the High Court went unchallenged and is, thus, binding upon the parties, it was not open to the Commissioner to refer to the very same antecedent offences again in the detention order under challenge. There was no direct nexus or link with the immediate need to order detention and we hold extraneous considerations having found their way into the detention order.”

“56. The other aspect requiring some guidance for detaining authorities and on which we wish to comment is that there is no requirement in law of orders of detention being expressed in language that would normally be considered elegant or artistic. An order of detention, which is capable of comprehension, has to precisely set forth the grounds of detention without any vagueness. The substance of the order and how it is understood by the detenu determines its nature. An order in plain and simple language providing clarity of how the subjective satisfaction was formed is what a detenu would look for, since the detenu has a right to represent against the order of detention and claim that such order should not have been made at all. If the detenu fails to comprehend the grounds of detention, the very purpose of

affording him the opportunity to make a representation could be defeated. At the same time, the detaining authority ought to ensure that the order does not manifest consideration of extraneous factors. The detaining authority must be cautious and circumspect that no extra or additional word or sentence finds place in the order of detention, which evinces the human factor — his mindset of either acting with personal predilection by invoking the stringent preventive detention laws to avoid or oust judicial scrutiny, given the restrictions of judicial review in such cases, or as an authority charged with the notion of overreaching the courts, chagrined and frustrated by orders granting bail to the detenu despite stiff opposition raised by the State and thereby failing in the attempt to keep the detenu behind bars.”

The Hon’ble Supreme Court has observed in paragraph-50 that the past criminal history, which is proximate, by itself would not render the order illegal. In that case also, the previous detention order dated 4th March 2021 was quashed by the High Court. The detention order under consideration before the Hon’ble Supreme Court mentioned that the detenu therein had committed nine offences in the years 2022-2023. The detaining Authority had stated that the order of detention was based only on five out of nine offences. In paragraph- 53, it was observed that once the earlier detention order was quashed by the High Court, it defies logic as to why the Commissioner embarked on an elaborate narration of past offences. In paragraph-55, it was observed that once the earlier detention order was quashed, it was not open to the Commissioner to refer to the very same antecedents again in the detention order under challenge. There was no direct nexus or link with the immediate need to order detention and hence it was extraneous consideration for passing the detention order. More importantly, the

Hon'ble Supreme Court had reproduced the specific averments made by the detaining Authority in the detention order under challenge. Those averments reproduced in paragraph-57 are as follows:

" As seen from his past criminal history, background and antecedents and also his habitual nature of committing crimes one after the other and his efforts to come out of the prison, I strongly believe that if such a habitual criminal is set free, his activities would not be safe to the society and there is an imminent possibility of his committing similar offences by violating the bail conditions in one of the cases, which would be detrimental to public order, unless he is preventively detained from doing so by an appropriate order of detention."

Thus, in the said case under consideration before the Hon'ble Supreme Court, the Commissioner had referred to the detenu's criminal history, background and antecedents as well as the habitual nature of committing crimes. Based on these factors, the Commissioner had recorded his belief that unless he was preventively detained there was imminent possibility of his committing similar offences. In the present case before us, the Respondent No.2 has not recorded any such satisfaction or belief based on the detenu's criminal history, background and antecedents. On the contrary, Respondent No.2 is very specific in restricting basis of his satisfaction only on two registered offences and two in-camera statements mentioned in paragraphs- 4 and 5. In the facts of the case of *Ameena Begum* (supra), it can be seen that the earlier detention order was quashed by the High Court. Therefore, the observations of the Hon'ble Supreme Court were in the context of those facts.

24. In this background, it is necessary to reproduce, emphasize and refer to the averments made by Respondent No.2 in the grounds of detention, even at the cost of repetition. They are as follows:

- (i) ".....I, hereby intimate you basic points mentioned in the following paragraph nos. 4(A), 4(A)(i), 4(A)(ii) and 5 (i) & (ii) whereby detention order under 3(2) of the said Act is issued....." -- (Para-1)
- (ii) "In times gone by, following offences are registered against you. They indicate your past criminal background and I have considered it only to understand criminal background as well as your mentality, nature and method. The actions being done by you and its impact on the society were closely observed and understood. However, it is only referred rather than relying on it. I am definitely relying on two offences mentioned in paragraph nos. 4(A), 4(A)(i) 4(A)(ii) and two confidential statements mentioned in paragraph nos. 5(i) and (ii)." -- (Para-3)

After mentioning this, the list of seven registered offences is given.

- (iii) ".....The said detention order has been issued by me, the detaining authority, basically relying on the following two offences mentioned in paragraph no. 4(A), 4(A)(i) 4(A)(ii) and two confidential statements mentioned in paragraph nos.5(i) and 5 (ii)." -- (Para-4)
- (iv) "I have minutely considered the offences of recent past mentioned in paragraph 4(A), 4(A)(i) 4(A)(ii) and confidential statements mentioned in paragraph nos. 5(i) and 5(ii) which were submitted before me....."

"Thus, you have proved yourself to be a 'dangerous person' as per the meaning provided under Section 2(b-1) of 'Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offenders, Dangerous Persons, Video Pirates, Sand Smugglers and Persons engaged in Black-

marketing of Essential Commodities, Illegal Gambling, Illegal Lottery and Human Traffickers Act, 1981" (No. IV of 1981) (Amendment 1996, 2009, 2015 and 2025)." -- (Para-6)

- (v) "On careful examination of the documents submitted before me, I have reached the conclusion that your criminal activities are adversely affecting public order....." -- (Para-8)
- (vi) "You are hereby intimated that the offences registered against you and mentioned in paragraph No.3(A) shows your previous criminal background and those are used only for reference and this background neither inferred my mind to make the detention order, nor am I relied upon them to pass the detention order."

"You are also hereby intimated that at the time of issuing detention order, all the documents mentioned in Paragraph nos. 4(A), 4(A)(i), 4(A)(ii) & 5(i) and 5(ii) are considered and are hereby attached....." -- (Para-14)

25. Thus, it can be seen that Respondent No.2 has been very categorical in repeatedly emphasizing the fact that he has considered only the grounds mentioned in paragraphs- 4 and 5 of the grounds of detention and he had not taken antecedents and earlier offences into consideration. They were only referred to as past history and the subjective satisfaction was not based on those grounds. This has been made more than clear by Respondent No.2. The earlier detention order was not set aside and the detenu was released only after completing the entire period of detention under the said earlier order. Therefore, the facts before us are materially different. The subjective satisfaction of Respondent No.2 demonstrates that he had applied his mind and that after considering all the factors had passed the detention order. We do not find any fault with this approach and

the subjective satisfaction recorded by him. It was based only on fresh incidents which were not part of the earlier detention order.

26. Apart from the above submissions, the learned counsel for the Petitioner also made further submissions. She relied on ground (vi) of the Petition. Ground (vi) refers to the fact that Respondent No.2 had put his signature on the in-camera statements of witness-A and witness-B on 8th December 2025 and the detention order was passed on 9th December 2025. Learned counsel submitted that it was impossible to consider the entire material and pass the order immediately within one day.

To this submission, learned A.P.P. invited our attention to paragraph-17 of the affidavit-in-reply of Respondent No.2. It is mentioned that ACP (Crime) received the proposal on 4th December 2025 and forwarded it to DCP (Crime) on the same day who forwarded it to Respondent No.2 on 6th December 2025. The Respondent No.2 after thoroughly perusing the proposal for three days i.e. from 6th December 2025 to 8th December 2025, issued the detention order on 9th December 2025.

The learned A.P.P. therefore, submitted that the detaining Authority had applied its mind for over three days and only then the detention order was passed along with the grounds of detention. The grounds of detention are of 21 pages. Signatures on the in-camera statements note that he has put his signature on 8th December 2025 and after giving his thoughtful consideration to the material before him, he passed the detention order on 9th December 2025.

We do not find force in the submission of learned counsel for the Petitioner. The detaining Authority had considered the material before it including the in-camera statements for three days and had passed the detention order on 9th December 2025. He had put his signatures on the previous date as endorsement of having seen the documents. We do not find either the delay or non-application of mind on his part. We do not find that it was impossible for Respondent No.2 to have passed the detention order on 9th December 2025. We, therefore, do not find any force in that submission as well.

27. Learned counsel for the Petitioner thereafter submitted that paragraph-4A(i) of the grounds of detention refers to CR No.363/2025 registered at Panchavati Police Station. The FIR mentions enmity between two groups. She submitted that there was nothing to substantiate the allegation in the FIR that there were two groups. According to the learned counsel, it was necessary for the detaining Authority to have considered and supplied the documents showing enmity between two groups.

We do not find any substance in this submission. The FIR merely narrates what had occurred at the spot. The detenu was seen at the spot and had indulged in the offence. The FIR merely notes this fact. We do not think there was any vital document which was not considered by Respondent No.2 in this connection and that it was necessary to have been supplied to the detenu in this case.

28. The learned counsel for the Petitioner then submitted that the detention order passed by Respondent No.2 was not immediately communicated to the State Government. There was a window of 12 days in which the detention order passed by Respondent No.2 could be approved by the State Government but it was necessary for Respondent No.2 to have sent that order immediately to the State Government. In this context, the learned A.P.P. invited our attention to the affidavit-in-reply filed on behalf of the State of Maharashtra. In that affidavit it is mentioned that the report under section 3(3) of the MPDA Act was received by the State Government from Respondent No.2 on 12th December 2025 and the order was approved on 18th December 2025. The detention order was passed on 9th December 2025.

We do not see any delay in Respondent No.2 sending the order to the State Government and the State Government approving it on 18th December 2025. All this was done within the stipulated period and there was no delay in that procedure. Therefore, we are not impressed by the said argument of the learned counsel for the Petitioner.

29. In this view of the matter, we do not find any merit in this Petition. The Petition is accordingly dismissed.

(RANJITSINHA RAJA BHONSALE, J.) (SARANG V. KOTWAL, J.)