THE HIGH COURT OF MADHYA PRADESH

WP-11367-2020

(SHAKIL KHAN vs. THE STATE OF M.P. & OTHERS)

Jabalpur, Dated: 19.08.2020

The Court convened through Video Conferencing:

Shri Rahul Tripathi, Advocate for the petitioner.

Shri Swapnil Ganguly, Deputy Advocate General for the respondents/State.

The petitioner by filing this writ petition under Article 226 of the Constitution of India has challenged an order dated 25.07.2020 (Annexure P-3) passed by the respondent No.2 - District Magistrate, Seoni in Case No.989/990/Reader Jila Dandadhikari/2020 directing detention of the petitioner under Section 3(2) of the National Security Act, 1980 (for short "the Act") and sending the petitioner to District Jail, Seoni for a period of three months.

Learned counsel for the petitioner submitted that on the representation of the respondent No.3 – Superintendent of Police, Seoni dated 27.06.2020 (Annexure P-2), the District Magistrate, Seoni has passed the impugned order of detention under Sub-section (2) of Section 3 of the Act and the petitioner is under detention since then. According to him, there are eight cases reported against the petitioner and out of them three pertained to the offence under the Gambling Act in which the petitioner was directed to deposit fine amount and two are relating to the provisions under Sections 110, 107 and 116(3) of the Cr.P.C. Only one case for the offence under Sections 186, 188, 283 and 332 of the Indian Penal Code and two under the Madhya Pradesh Gauvansh Pratishedh Adhiniyam 2004 have been registered which are not so grave as to warrant the order of detention under the Act.

After learned counsel for the petitioner argued for some time, on a query put to him whether the petitioner has filed any representation to the appropriate authority in accordance with Section 8 of the Act, it was candidly admitted that no such representation has been preferred. It has been

specifically mentioned in the reasons for detention (Annexure P-3) that against the order of detention, the petitioner shall have a right to prefer representation to the Secretary, State of M.P., Department of Home, Mantralaya, Bhopal. Learned counsel, however, added that the petitioner also has a remedy before the Advisory Board and therefore, the petitioner may be permitted to withdraw the present petition with liberty to pursue the alternative remedy.

In view of the said fact, the petition is **dismissed** as withdrawn. It shall be open for the petitioner to pursue his remedy in accordance with law.

(AJAY KUMAR MITTAL)
Chief Justice

(ATUL SREEDHARAN)
Judge

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Digitally signed by SACHIN CHAUDHARY
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