

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL WRIT PETITION NO.5800 OF 2019

|                                 |   |                  |
|---------------------------------|---|------------------|
| Vicky Satyawar Chavan @ Barkya  | ] |                  |
| Om Sai Chawal, Tanajwadi        | ] |                  |
| Prabhat Vikas Mandal,           | ] | ..... Petitioner |
| Bhandup (West), Mumbai 400 078. | ] | ( Detenu)        |

versus

|    |                                |   |                    |
|----|--------------------------------|---|--------------------|
| 1] | The Commissioner of Police     | ] |                    |
|    | Mumbai                         | ] |                    |
|    |                                | ] |                    |
| 2] | The State of Maharashtra       | ] |                    |
|    | (Through Addl. Chief Secretary | ] |                    |
|    | to Government of Maharashtra   | ] |                    |
|    | Mantralaya, Home Department    | ] |                    |
|    | Mantralaya, Mumbai             | ] |                    |
|    |                                | ] |                    |
| 3] | The Superintendent             | ] |                    |
|    | Nashik Road Central Prison     | ] |                    |
|    | Nashik                         | ] |                    |
|    |                                | ] |                    |
| 4] | The Secretary,                 | ] |                    |
|    | Hon'ble Advisory Board         | ] |                    |
|    | Constituted under Section 9 of | ] |                    |
|    | M.P.D.A. Act, 1981, Mantralaya | ] |                    |
|    | Mumbai – 400 032.              | ] | ..... Respondents. |

Mr. Udaynath Tripathi a/w Ms. Jayshree Tripathi, Advocate for the Petitioner.  
Mr. J P Yagnik, APP, APP for the Respondent/State.

CORAM : S. S. SHINDE, J  
N. B. SURYAWANSHI, JJ  
Reserved on : 07<sup>th</sup> January 2020  
Pronounced on :- 15<sup>th</sup> January 2020

JUDGMENT : (PER S. S. SHINDE, J)

1 Rule. Rule made returnable forthwith and heard finally with the consent of learned counsel for the parties.

2           The Petitioner/Detenu Vicky Satyawar Chavan @ Barkya has preferred this Petition questioning the preventive detention order passed against him being No.11/PCB/DP/Zone-VII/2019 on 08/07/2019 by Respondent No.1 – The Commissioner of Police, Mumbai. The said detention order has been passed under Section 3 of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offenders, Dangerous Persons and Video Pirates Act, 1981 (hereinafter referred to as “MPDA Act”). The said detention order has been issued by Respondent No.1 as, according to him, the Petitioner/Detenu is a dangerous person whose activities are prejudicial to the maintenance of public order. The detention order is based only on one Crime i.e. C.R.No.233/2019 registered with Bhandup Police Station on 19/05/2019 for the offences punishable under Sections 387, 506(II), 504 of the Indian Penal Code r/w Sections 4, 25 of the Arms Act r/w Sections 37(1)(a), 135 of Maharashtra Police Act and statements of two witnesses recorded in-camera.

3           Though the number of grounds have been raised in the present Petition whereby the detention order has been assailed, however, the learned counsel appearing for the Petitioner / Detenu has pressed only four grounds before us i.e. Ground Nos. 5(b), 5(d), 5(e) and 5(g), which are reproduced herein below in verbatim :-

- (b)   The detenu says and submits that the detaining authority in para 9 of the ground of detention stated that “from the

above facts and previous history charts mentioned in para 7(a) (b) I am satisfied that you are a dangerous person as per Sec. 2(b-1) of MPDA Act". It is therefore clear that the satisfaction of the detaining authority depends on material mentioned in para 7 (a) and 7(b) which is contrary to para 2 of the grounds of detention. In para 2 it is stated that para 5 to 7 of the grounds of detention is merely preamble/introduction and are not the actual grounds of detention and the said grounds have not been relied upon by the detaining authority for issuing the present order of detention which means other paragraphs and their material are relied on for arriving at his satisfaction. This shows non application of mind of the detaining authority. It is further stated in para 10 that after carefully going through material placed before him at para 8 of the grounds of detention and also in para 16 it is stated that all the relevant documents which are considered by him at that time of passing the detention order is enclosed. These averments in para 10 and para 16 also clearly shows that the detaining authority has considered material of para 7(a) and 7(b) which is clearly contradictory to para 2 which clearly shows non application of mind. The satisfaction vitiates the order of detention is illegal and bad in law and liable to be revoked and set aside.

- (d) The detenu says and submits that it is to be noted that there is a reference to only one case registered i.e. C.R. No.233/2019 on 19.05.2019, the detenu was granted bail on 21.05.2019 and he availed bail on 21.05.2019 whereas immediately thereafter 2 in camera statements of witness "A" and "b" are recorded on 24.05.2019 and 27.05.2019, thereby there is a delay in recording the camera statements the said delay has to be explained to the satisfaction of this Hon'ble Court failing which the continued detention will be held as illegal and bad in law. The satisfaction vitiates the order of detention is illegal and bad in law liable to be revoked and set aside.
- (e) The detenu says and submits that a criminal case vide C.R. No.233 of 2019 whose incident occurred on 18.05.2019 was the only incident taken into consideration whereas in the said incident on 21.05.2019

the detenu was granted bail and the detenu availed bail the same day. The charges are u/Sec. 387, 506(2), 504 IPC r/w 4, 25 of Arms Act, the detenu submits that a single solitary case cannot be taken into consideration where the ordinary law of land can take care of and further there are no prejudicial activities after availing the bail in the said C.R. It is therefore it is not justified to clamp harsh law like preventive detention when there is no sufficient material before the authority to come to the conclusion that the alleged prejudicial activity of the detenu have caused disturbance to public order. The satisfaction vitiates the order of detention is illegal and bad in law liable to be revoked and set aside.

- (g) The Petitioner says and submits that it is to be noted that there is a reference to only one case registered vide C.R. No.233/2019 on 19.05.2019, the detenu was granted bail on 21.05.2019 and he vailed bail on 21.05.2019 whereas immediately thereafter two in camera statements of witness “A” and “B” are recorded on 24.05.2019 and 27.05.2019, thereby it was not proper to record statements after the detenu availed bail as held in Apex Court’s Judgment in Paturkar’s case. The Petitioner submits that after the verification of both the camera statements the order of detention came to be passed belatedly 08.07.2019 after a lapse of 7 weeks. The detaining authority is called upon to explain the said delay to the satisfaction of this Hon’ble Court. The satisfaction vitiates. The order of detention is illegal and bad in law liable to be revoked and set aside.

4 Mr. Tripathi, the learned counsel for the Petitioner, relying upon Ground No.5(b) of the Writ Petition, submits that, statements made in paragraph 2 and paragraph 9 of the order of detention are contrary. He further submits that the averments made in paragraphs 10 and 16 of the order of detention clearly shows that the detaining authority has considered the material mentioned in paragraphs 7(a) and 7(b) thereof which is clearly

contradictory to paragraph 2 which clearly shows non-application of mind.

To refute the aforesaid submission of the learned counsel for the Petitioner, the Commissioner of Police has filed affidavit in reply dated 10/12/2019. We have carefully perused the said affidavit in reply. It would be apt to reproduce relevant excerpt from paragraph 8 of the said reply affidavit filed by the Commissioner of Police, Mumbai which reads thus :-

“The past criminal history of the detenu as stated in paragraph 7(a) and preventive actions taken in the past as shown in paragraph 7(b) were only to show the tendency and inclination of the detenu/petitioner. The past conduct or commission of the crime by the petitioner did not have any bearing on the subjective satisfaction of the detaining authority about indulgence of the detenu in activities prejudicial to the maintenance of public order.

It is clearly stated in para 3 of the grounds of detention that order of detention has been passed on the basis of grounds mentioned in paragraph 8. So framing of the grounds of detention is based on Paragraph 8(a) and 8(b) only.”

5 In the context of the aforesaid reply of the Commissioner of Police i.e. the detaining authority, it would be apt to reproduce paragraphs 2 and 3 of the order of detention which read thus :-

“2 I hereby state that paragraphs 5 to 7 of the grounds of detention are merely preamble/introduction and are not the actual grounds of detention. Hence the said grounds have not been relied upon by me for issuing the present order of detention against you.

3 In pursuance of section 8 of the 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 Act, 1981 (Maharashtra Ct No.LV of 1981), (Amendment 1996), (Amendment 2009), (Amendment 2015) r/w Article 22(5) of the Constitution of India, I hereby communicate to you the grounds as mentioned in paragraph 8 below, on which a detention order has been made by me on this day against you under sub section (2) section 3 of the said Act.”

6 A conjoint reading of the aforesaid paragraphs 2 and 3 of the order of detention, reproduced herein above, and paragraph 8 of the reply affidavit filed by the Commissioner of Police, it is abundantly clear that the detaining authority has not placed reliance on the material referred to in paragraphs 7(a) and 7(b) while arriving at subjective satisfaction for passing the detention order, and only relied upon 8(a) and 8(b) the matter as mentioned in paragraph 8 of the grounds of detention.

7 The contention of the learned counsel appearing for the Petitioner that the averments mentioned in paragraphs 10 and 16 of the grounds of detention are contradictory to paragraph 2 thereof, and therefore, while preparing representation, the Petitioner was confused and was not in a position to make effective representation. In support of the said contention, Mr. Tripathi the learned counsel for the Petitioner invites our attention to the observation of the Hon’ble Supreme Court in paragraph 4 in the case of Vijay Kumar Dharna

alias Koka v/s. Union of India and others<sup>1</sup> and submits that in the facts of that case the Supreme Court held that the satisfaction recorded in Gurumukhi version of the detention order is not consistent with the purpose for detention in the detention order. It left detenu confused whether he should represent against the grounds in the detention order or the satisfaction recorded in the grounds of detention. The facts of the present case are clearly distinguishable. In the present case, before the detaining authority passes detention order, the detaining authority himself has to satisfy himself that the detenu fell within the definition of particular category mentioned in the definition provided under the Act, and then the detaining authority has to satisfy himself that the passing of the detention order was necessary. In the facts of the present case, as rightly stated in the affidavit in reply and also in Ground 3 in the detention order, the detaining authority has placed reliance on Ground 8 only for the purpose of passing detention order, and on paragraphs 7(a) and 7(b) for the purpose of satisfying himself i.e. detaining authority that the detenu i.e. the Petitioner fell within the definition of particular category i.e. dangerous person, the definition of which, is provided in Section 2(b-1) of the Act.

8            In the context of the aforesaid submission, the learned APP appearing for the Respondents invites our attention to the observation made by the Hon'ble Supreme Court in paragraph 17 of Omkar Chandrashekhhar Kapare

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1 AIR 1990 SC 1184

v/s. Commissioner of Police, Pune City and others<sup>2</sup>, which for the sake of ready reference is reproduced herein under :-

“17. Thus, in Veermani's case (supra), the Hon'ble Supreme Court has held that the detaining authority had to satisfy himself that the detenu fell within the definition of a particular category mentioned in the definition provided under the Act and then the detaining authority has to satisfy himself that the passing of the detention order was necessary. Similar provisions are found in the MPDA. Section 2(b-1) defines 'dangerous person' as under :-

"2(b-1) - 'dangerous person' means a person, who either by himself or as a member or leader of a gang, habitually commits, or attempts to commit or abets the commission of any of the offences punishable under Chapter XVI or [Chapter XVII of the Indian Penal Code](#) or any of the offences punishable under Chapter V of the Arms Act, 1959 (LIV of 1959)."

And [Section 3](#) mentions the power to make orders detaining such person. [Section 3](#) reads thus :-

"3. Power to make orders detaining certain persons. (1) The State Government may, if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the maintenance of public order, it is necessary so to do, make an order directing that such person be detained.

(2) If, having regard to the circumstances prevailing or likely to prevail in any area within the local limits of the jurisdiction of a District Magistrate or a Commissioner of Police, the State Government is satisfied that it is necessary so to do, it may by order in writing, direct, that during such period as may be specified in the order such District Magistrate or Commissioner of Police may also, if satisfied as

provided in sub-section (1), exercise the powers conferred by the said sub-section :

Provided that the period specified in the order made by the State Government under this sub-section shall not, in the first instance, exceed six months, but the State Government may, if satisfied as aforesaid that it is necessary so to do, amend such order to extend such period from time to time by any period not exceeding six months at any one time.

(3) ..... "

Thus, in the case before us, the detaining authority has properly relied on the material pertaining to the other offences mentioned in paragraph 3.1 and the Chapter case mentioned in paragraph 3.2. In paragraph 4, as mentioned earlier, the then detaining authority had clearly averred that on going through his criminal record, it was evident that he was a habitual and dangerous criminal involved in serious violent crimes. The detaining authority has recorded her satisfaction that the normal laws of the land were insufficient to curtail his dangerous criminal activities' and that 'his criminal activities were showing an ascending trend and were prejudicial to maintenance of public order. Having recorded her satisfaction to that effect, the detaining authority has gone on to mention that in the recent past, his involvement was noticed in the offences which were of serious nature involving criminal activities which were prejudicial to the maintenance of public order and therefore, she had considered these 2 offences mentioned in paragraphs 5.1 and 5.2 and 2 in-camera statements mentioned at paragraphs 6.1 and 6.2 to issue the detention order. Hence, the detaining authority has relied on the entire material before her for different reasons. By applying the ratio of Veermani's case (supra) as well as taking into consideration the averments made by the detaining authority in paragraph 4 of the grounds of detention, we do not think that the material other than that connected with paragraphs 5.1, 5.2, 6.1 and 6.2 was either extraneous or irrelevant. In fact, in our considered view, the detaining authority has correctly

relied on the entire material to arrive at her subjective satisfaction that the detenu was a 'dangerous person' within the meaning of the Act and for the said purpose, she had to rely on his past history and the material connected with it. Therefore, we are unable to agree with the submission of Mr. Tripathi that the detaining authority had taken into consideration any extraneous or irrelevant material.

(Underlines added)

In that view of the matter, there is no substance in the contention urged in Ground 5(b) of the Writ Petition that while passing the order of detention, the detaining authority did not apply his mind.

9           In so far as Grounds 5(d), 5(e) and 5(g) of the Writ Petition are concerned, they cannot be segregated and would have to be dealt with together. The learned counsel appearing for the Petitioner – Detenu submits that the detaining authority passed the order of detention on 08/07/2019 much belatedly after about 7 weeks from the registration of crime mentioned in Ground 5(g). It is submitted that in the aforesaid crime the Petitioner / Detenu was bailed out and thereafter just to fill up the lacuna and to make the ground to explain the delay, recording of the alleged two in-camera statements of witnesses “A” and “B” has been done. In support of the aforesaid contentions the learned counsel appearing for the Petitioner / Detenu has placed reliance on the exposition of the following judgments :- 1] Mrs. Fehmida Iqbal Shaikh

v/s. The State of Maharashtra<sup>3</sup> 2] Salma Rehman Khan v/s. M N Singh and ors<sup>4</sup>  
 3] Munagala Yadamma v/s State of A P & ors.<sup>5</sup> 4] Austin William Luis Pinto v/s  
 Commissioner of Police, Greater Mumbai & ors.<sup>6</sup> 5] Mohsin Ahmed S/o  
 Mushtaque Ahmed v/s. State of Maharashtra and Anr.<sup>7</sup> 6] Pradeep Nilkanth  
 Paturkar v/s S Ramamurthi and others<sup>8</sup> and 7] unreported judgments of this  
 Court in Parvez Faizulla Khan v/s. Shri A N Roy, Commissioner of Police and  
 ors in Writ Petition No.1018 of 2007 decided on 08/02/2008, and 8] in Aalam  
 Yosuf Shaikh v/s. The Commissioner of Police, Pune and ors in Writ Petition  
 No.4180 of 2017 decided on 15/12/2017. The learned counsel for the  
 Petitioner therefore submits that there is a delay in passing the order of  
 detention, and on the said ground the detention order stands vitiated.

10 On the other hand, the learned APP submits that the court cannot  
 look into the sufficiency of the grounds in passing the detention order. He  
 submits that the sponsoring authority i.e. Sr. Police Inspector, Bhandup Police  
 Station was continuously making enquiry about criminal activities of the  
 Petitioner / Detenue. He further submits that the Petitioner was released on  
 bail on 21/05/2019, and the in-camera statements of witness “A” and “B” were  
 recorded on 24/05/2019 and 27/05/2019 respectively, which were verified by  
 the ACP, Bhandup Division on 25/05/2019 and 28/05/2019 respectively, hence

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3 2000 ALL MR (Cri) 1099  
 4 2001 ALL MR (Cri) 2063  
 5 2012 ALL MR (Cr) 734 (SC).  
 6 2005 ALL MR (Cri) 28  
 7 2014 ALL MR (Cri) 2409  
 8 1993 Supp(2) SCC 61

there is no delay in recording in-camera statements. He further submits that after completing all the formalities, the detaining authority has issued the order of detention after arriving at subjective satisfaction on 08/07/2019. According to the learned APP appearing for the Respondent/State, there is no delay in passing the detention order. In support of the aforesaid contentions the learned APP has placed reliance upon the exposition in following judgments :- 1] Yogendra Murari v/s. State of U.P. and others<sup>9</sup> 2] Nagnarayan Saryu Singh v/s Shri A N Roy & ors.<sup>10</sup> and 3] Smt. Zebunnisa Abdul Majid v/s. M N Singh and others<sup>11</sup>

11 In relation to the contentions raised by the learned counsel for the Petitioner that there is a delay in passing the detention order against the Petitioner/Detenu, we have carefully perused the detention order and the grounds of detention. It is required to be noted that the detaining authority considered the aforesaid crime i.e. C R No.233/2019 registered against the Petitioner / Detenu on 19/05/2019 at Bhandup Police Station. It is an undisputed position that the Petitioner – Detenu was bailed out on 21/05/2019. It is also an undisputed position that after the Petitioner was bailed out in the aforesaid crime, the concerned authority held confidential enquiry, and recorded two in camera statements of witnesses “A” and “B” on 24/05/2019 and 27/05/2019 respectively. The order of detention has been

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9 (1988) 4 SCC 559

10 2006 ALL MR (Cri) 2147

11 2001 Cr. L J 2759

passed on 08/07/2019. In relation to contentions raised in Grounds (d) (e) and (g) of the Petition, it would be apt to reproduce herein below paragraphs 10, 11 and 13 of the affidavit in reply filed by Sanjay Barve – the Commissioner of Police, Brihan Mumbai :-

- “10 With reference to para no.5(d) of the Petitioner, the sponsoring authority i.e. Sr. Police Inspector, Bhandup Police Station was continuously making enquiry about criminal activities of the petitioner /detenu. Two victims were found who described the criminal activities of the detenu

The Petitioner was released on bail on 21.05.2019. the in-camera statements of witness “A” was recorded on 24.05.2019 and that of witness “B” was recorded on 27.05.2019, which were verified by the A.C.P, Bhandup Division on 25.05.2019 and 28.05.2019.

Hence, there is no delay in recording in camera statements. It was necessary to initiate preventive action as the appellant was released on released on bail and he was likely to restart his criminal activities as in the past. Confidential enquiries made about detenu’s criminal activities disclosed that detenu was continuing his activities in the recent times and people were frightened to complain to police against detenu. Hence their statements were recorded in camera. There is no delay as contended.

- 11 With reference to para no.5(e) of the Petition, the contention raised by the petitioner in this para is totally incorrect and the same is denied by me.

It was not the single solitary case for consideration. So also, the incidents narrated by the witnesses whose statements were recorded in-camera also vouch for the disturbance of public order. There is sufficient material available for issuing the detention order. Satisfaction arrived by the detaining authority is not vitiated. The relied upon C R No.233/19 and two in camera

statements are considered for formation of the grounds of detention.

The preventive actions taken were found insufficient and inadequate to curb or contain the criminal activities of the detenu which are prejudicial to the maintenance of public order under the ordinary law of the land.

The grounds of detention clearly reveal various acts which cause disturbance of the public order and also reveal the tendency and inclination of the detenu towards the commission of activities of criminal nature with total disobedience of the existing law. Due to the criminal activities of the detenu, the normal tempo of the life of society was disturbed.

Reluctance on the part of the members of public to help the victims and not come forward to lodge complaint against the detenu clearly disclose the creation of panic and fear in the minds of the members of the public, as a result of criminal acts on the part of the detenu. All these facts clearly reveal that the acts on the part of the detenu were affecting the public order.

- 13 With reference to para no.5(g) of the Petition, it is submitted that relied upon offence CR No.233/2019 occurred on 19/05/2019. Two in-camera statements of witness "A" and "B" were recorded on 24.05.2019 and 27.05.2019 by Bhandup Police Station and statements were verified by ACP Bhandup Division on 25.05.2019 and 28.05.2019 respectively.

Bhandup Police Station gathered the relevant documents and submitted the proposal to ACP, Bhandup Division on 10.06.2019. ACP Bhandup Division submitted on 12.06.2019 to DCP Zone – VII.

DCP Zone-VII submitted proposal to DCP (Preventive) on 14.06.2019. DCP (Preventive) forwarded to Police Inspector of PCB on 15.06.2019.

Police Inspector PCB scrutinized proposal and submitted it to ACP (Computer – holding charge of ACP Preventive) on 24.06.2019, who further submitted it to

DCP (Preventive) on 25.06.2019. DCP (Preventive) submitted the same to Jt. Commissioner of Police (Crime) on 27.06.2019. Jt. Commissioner of Police (Crime) submitted the proposal to Commissioner of Police on 28.06.2019. The Commissioner of Police approved the proposal on 02.07.2019. The Commissioner of Police issued detention order on 08.07.2019. Petitioner was detained on 09.07.2019. the State Govt. approved detention order on 11.07.2019. The State Govt. confirmed the detention order on 08.08.2019.

During this span of time i.e. between the proposal submitted by the sponsoring authority and detention order being issued, there were about 4 govt. holidays i.e. 2<sup>nd</sup> Saturday and Sundays. Hence the detaining authority and his staff were not available to process the proposal.

Hence, after having subjectively satisfied and after application of mind, I have passed the order for detention of the detenu. As such, the said order is legal, just and proper and as per the provisions of law and deserves to be confirmed.

I further state that the detention order should not be quashed and set aside, and the Petitioner should not be released.”

Therefore so far as the period from registration of the said C.R No.233/2019, which has been relied upon by the detaining authority so also recording of in-camera statements of witnesses “A” and “B” and further passing the order of detention is concerned, the total period taken for the said process i.e. from registration of C.R.No.233/2019 till passing of order of detention on 08/07/2019 is about 7 weeks.

12           The contention of the learned counsel for the Petitioner / Detenu, relying upon the judgment of the Hon'ble Supreme Court in Pradeep Nilkanth Paturkar's case (supra) that, recording the statements of witnesses only after the Petitioner/Detenu became successful in getting bail, vitiates the order of detention, cannot be considered in isolation. Take a hypothetical case in which there is a considerable delay in passing the order of detention, and to fill up the lacuna, such statements are recorded, in that case while accepting the case of detenu on the ground of delay in passing the order of detention, one of the aspect to be looked into is recording of in-camera statements of the witnesses after the detenu is bailed out from the crime. However, merely because statements of witnesses are recorded after Detenu is bailed out, cannot be a sole ground to cause interference in the order of detention.

13           From the paragraphs of the affidavit of Detaining Authority, which are reproduced herein above, it is crystal clear that there is no delay at all in passing the order of detention and, if there is any delay, that was occurred on account government holidays. The said C R No.233/2019 has been registered on 19/05/2019. Two in-camera statements of witnesses "A" and "B" have been recorded on 24/05/2019 and 27/05/2019, and thereafter the said statements were immediately verified by the ACP Bhandup Division on 25/05/2019 and 28/05/2019 respectively. The proposal was submitted by Bhandup Police Station to ACP Bhandup Division on 10/06/2019, who within two days after

its receipt, submitted the same to DCP Zone-VII on 12/06/2019. Thereafter within two days the DCP Zone VII submitted the proposal to DCP (Preventive) on 14/06/2019, who immediately forwarded the same to Police Inspector of PCB on 15/06/2019. Thereafter Police Inspector PCB scrutinized the said proposal and submitted it to ACP (Computer holding charge of ACT Preventive) on 24/06/2019 who on the next day has forwarded it to DCP (Preventive) on 25/06/2019. Thereafter DCP (Preventive) submitted the proposal to Joint Commissioner of Police (Crime) on 27/06/2019, who in turn forwarded it to the Commissioner of Police on 28/06/2019. the Commissioner of Police approved the proposal on 02/07/2019, on 08/07/2019 the Commissioner of Police issued the detention order against the Petitioner / Detenu. Therefore it cannot be said that from 19/05/2019 till 08/07/2019 there is a considerable delay in passing the order of detention. As already observed herein above, the Respondents/Authorities have filed the affidavit and made it clear that after completing the formalities, the detaining authority has issued the order of detention after arriving at subjective satisfaction.

14            In the light of above discussion in the forgoing paragraphs, we are of the considered view that there is no merit in the present Writ Petition and the same is required to be dismissed. Hence the Writ Petition is accordingly dismissed. Rule stands discharged accordingly.

**[N. B. SURYAWANSHI, J]**

**[S. S. SHINDE , J]**