

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 2702 OF 2021**

Vishal Aananda Mahabal
(At present detained in the Sangli
District Prison)

.. Petitioner

vs.

1. The State of Maharashtra

2. The Collector And District
Magistrate, Sangli

3. The Superintendent, Sangli
District Prison, Sangli

.. Respondents

....

Mr. Satyavrat Joshi, for the Petitioner.

Mrs. M.H. Mhatre, APP, for Respondent State.

....

**CORAM: NITIN JAMDAR &
SARANG V. KOTWAL JJ.**

DATE : 4 DECEMBER 2021.

JUDGMENT: (Per Nitin Jamdar, J.)

The Petitioner has filed this petition under Article 226 of the Constitution of India challenging the order of detention dated 6 May 2021 issued by the Collector and District Magistrate, Sangli. The order of detention is passed under Section 3(1) of *the Maharashtra Prevention of Dangerous Activities of Slumlords,*

Bootleggers, Drug Offenders, Dangerous Persons, Video Pirates, and Smugglers and Persons Engaged in Black Marketing of Essential Commodities Act, 1981 (the Act).

2. We have heard Mr. Satyavrat Joshi, learned Advocate for the Petitioner and Ms. M.H. Mhatre, APP, for the Respondent State.

3. An offence was registered against the Petitioner at Islampur Police Station under Sections 397, 307, 392 read with Section 34 of the Indian Penal Code on 14 November 2020 vide C.R. No.779/2020. The Petitioner was released on bail regarding these offences on 2 December 2020. The proposal for detention was forwarded on 5 April 2021. Respondent No.2, the District Magistrate, Sangli, passed the order of detention under Section 3 of the Act on 6 May 2021, treating the Petitioner as a ‘dangerous Person’ whose activities are prejudicial to the public order. The same was approved under Section 3(3) of the Act on 12 May 2021. The Advisory Board gave a report on 16 June 2021, and the confirmation order under Section 12 was passed on 28 June 2021. Challenging this order of detention, the Petitioner is before us.

4. Under Section 2(b-1) of the Act, a “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 of Chapter XVII of the Indian Penal Code or any of the offences punishable under Chapter V of the Arms Act, 1959. Section 3 provides that the State Government may, if satisfied, with respect to any person to prevent him from acting in any manner prejudicial to the maintenance of public order, it is necessary to pass an order directing that such person be detained after the order is so passed under Section 3(2). Section 3(3) provides that when an order is made under this section by an officer mentioned in subsection (2), he shall forthwith report the fact to the State Government, together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter. No such order shall remain in force for more than twelve days after the making thereof unless, in the meantime, it has been approved by the State Government. Section 4 states that detention orders may be executed at any place in the State in the manner provided for the execution of warrants under the Code of Criminal Procedure. Section 5 deals with the power to regulate places and conditions of detention. Section 5A provides that the grounds of detention are severable, and the order of detention shall not be deemed invalid or inoperative merely because one or more ground is vague, non-existent, not relevant and other as specified. Section 11 provides for Advisory Board and the report to be given

by the Advisory Board. Section 12 of the Act states that the State Government will act on the report of the Advisory Board passing order as the case may be. Section 12 states that the maximum period for which any person may be detained in pursuance of the Act would be twelve months from the date of detention. These, in short, are the relevant provisions of the Act.

5. Respondent No.2, in the order of detention, has referred to the criminal record of the Petitioner stating that the Petitioner is a dangerous person indulging in dangerous activities. He is using lethal weapons and terrorising innocent people. He is involved in the dangerous activities in the recent past. The Detaining Authority has referred to FIR No.779/2020. and the in-camera statements of Witnesses A and B recorded on 15 March 2021. It is stated that the incident reported in the FIR, and the other incidents will show the tendencies and inclination to continue activities prejudicial to the maintenance of public order in future. The Detaining Authority referred to the fact that the in-camera statements are verified by Sub-divisional Police Officer, Miraj, a Gazetted Officer, and he has also verified these witnesses and satisfied with the statements. The Detaining Authority has stated that the Sub-divisional Officer, Walva, has passed an order against the Petitioner under Section 144 of the Code of Criminal Procedure on 20 March 2019 and reference is made to certain

other crimes registered against the Petitioner. After that, the Detaining Authority has stated that he is personally satisfied that the Petitioner is a dangerous person, as envisaged under the Act, and it is necessary to detain the Petitioner under Section 3(1) of the Act of 1981. He has also referred to the material, the record, and the subjective satisfaction that the Petitioner is acting prejudicial to maintenance of public order. Reply affidavit is filed by the Authority.

6. The Learned Counsel for the Petitioner, firstly, contended that the material that was placed before the Detaining Authority, namely, two in-camera statements and C.R. No.779/2020, do not indicate that activities of the Petitioner are prejudicial to maintenance of public order and at the most, these offences specified are targeted towards an individual. It is contended that these activities may perhaps affect law and order but not public order.

7. There is a difference between 'law and order' and 'public order. In the case of *T. Devaki vs. Government of Tamil Nadu And Others*¹, the three learned Judges of the Supreme Court explained the difference between activities prejudicial to public order and activities prejudicial to law and order. The Supreme Court observed that any disorderly behaviour of a person in the

¹ (1990) 2 Supreme Court Cases 456

public or commission of a criminal offence is bound to some extent affect the peace prevailing in the locality, and it may also affect law and order but the same need not affect the maintenance of public order. Whether a man has only committed a breach of law and order or has acted in a manner likely to cause disturbance of the public order is a question of the degree and the extent of the reach of the act upon the society.

8. If the activities of the Petitioner, relied upon by the Detaining Authority, are merely affecting law and order and not public order, then the subjective satisfaction of the Detaining Authority that the activities are affecting public order would be incorrect, and the detention order would be vitiated. This conclusion will depend on an analysis of the facts of the case.

9. First, we turn to the grounds in support of the detention order. As regards the FIR No.779/2020 in the detention order, the Authority has stated as under:

“He and his associate Ravi Khot visited the house of complainant at 20.30 p.m. on 13 November 2020 and demanded the party for the purchase of a tractor before 4 months. He took him to the liquor shop and consumed liquor. Then he called his another associate including Kisan Chavan and demanded the complainant to provide him dinner in the hotel. The complainant told him that he did not have money. After that he and his associates

took the complainant to DK Dhaba on Islampur-Peth road by force on motorbike. There he beat the complainant and him with the stone on his head. He took away the cash of rupees 2000 and the mobile of the complainant by force. The people who came to help after hearing the noise made by the complainant, he drove them away by threatening with knife and by saying, "if anyone tries to intervene, he will be killed". As the complainant tried to resist, he and his associate Ravi Khot pressed the complainant on ground saying 'we will not keep him alive'. His third associate Kisan alias Krishna Chavan picked a big piece of stone and threw at the complainant in order to kill the complainant. The offence is registered against him."

The statement witness A is referred to in the detention order as under:

"Witness A:

He earns his living by doing whatever work he gets. Vishal Aananda Mahabal, age 22, residing at Jawdekar Chowk, Islampur, is a criminal by nature. Vishal does not work anything for his livelihood. He is a vagabond, and he is a Ruffalo by nature and does not respect Law. He is adventurous and murderous. He and his associates are always involved in the crimes like beating people, quarreling, robbery, stealing motorbikes, molesting women. There are various crimes registered against him in the police station, Islampur. He has been arrested by police many times, but he continues the crimes after release from the jail. Even after many arrests and punishment, there is no change in his behaviour.

In the third week of February, when Vishal was walking to witness's home after his daily wages by walk,

Vishal Aananda Mahabal and his four unknown associates stopped him on the way to Waghwadi. Vishal asked him "Don't you know me? Don't you know who I am?" and demanded money for liquor. He told Vishal that he had no money. But Vishal had his associates forced him to sit on the motorbike, they took him to the road to Waghwadi and started beating. He shouted for help by which people gathered. At that time, Vishal Mahabal took out his knife from his waist and threatened people saying "You go away from here otherwise I will kill you all one by one". After that, people started running away by fear. Then Vishal took away rupees 2,500 from his pocket and threatened him, "If you tell someone or complain against me to anyone, I will not keep you alive." Then Vishal and his associates went away on their bike. As he was afraid of Vishal Aananda Mahabal because of his murderous nature, he didn't tell the event even to his family members. He didn't register a complaint to the police station because of fear, but now, when the police took him in confidence and assured him that his name would not be revealed anywhere, come further, he will not be called for witness anywhere, and the statement recorded will be kept secret, therefore, he has given my statement."

Witness B refers to an incident in March 2021, where the Petitioner took away Rs.1400/- from the witness's pocket by threatening the witness with a knife. Unlike witness A and the others in the FIR No.779/2020, there are no threatening acts directed to the crowd by the Petitioner and his associates. Thus, as far as the incident narrated by Witness B, it does not indicate a breach of public order. Thus, we analyse the subjective satisfaction of the Detaining Authority based on the statements of Witness A

and FIR No.779/2020.

10. The learned Counsel for the Petitioner sought to argue that subjective satisfaction is based on three grounds, i.e. the FIR and statements of Witness A and B, and if the statement of Witness B is discarded, then the subjective satisfaction in its entirety will be vitiated. In short, the contention in law is that if the subjective satisfaction is based on different grounds and if one ground is found to be invalid then the subjective satisfaction is vitiated. The submission has no merit as the answer is provided in the Act itself in the form of Section 5A introduced by the Maharashtra Act of 24 of 1988. Section 5A reads thus:

“5A. Where a person has been detained in pursuance of an order of detention under section 3 which has been made on two or more grounds, such order of detention shall be deemed to have been made separately on each of such grounds and accordingly-

(a) such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are-

- (i) vague,*
- (ii) non-existent,*
- (iii) not relevant,*
- (iv) not connected or not proximately connected with such person, or*
- (v) invalid for any other reason whatsoever,*

and it is not, therefore, possible to hold that the State Government or an officer mentioned in sub-section (2) of section 3 making such order would have been satisfied as provided in section 3 with reference to the remaining ground or grounds and made the order of detention;

(b) the State Government or such officer making the order of detention shall be deemed to have made the order of detention under the said section 3 after being satisfied as provided in that section with reference to the remaining ground or grounds.”

Therefore, it is clear that if a person is detained on two or more grounds and even if one ground is made inoperative, the same will not make the entire detention invalid. Even if the statement of Witness B is kept aside, the statement of Witness A and the FIR can constitute a ground for order of detention.

11. FIR No.779/2020 was in respect of an incident where the Petitioner assaulted the complainant. When he was taken by force on a motorcycle, he was hit on his head with a stone. The cash of Rs.2,500/- was taken by force. People, who had come there after hearing the noise of the complainant, were chased away by the Petitioner by threatening them with a knife that if anyone tried to intervene, he would be killed. The associate of the Petitioner also picked up a big piece of stone and threw it at the complainant. This incident, therefore, is not restricted to the complainant alone. This took place in a public area, where the Petitioner threatened

the people and chased them away. This cannot be considered an isolated incident without disturbance to public peace or public order without disturbing the regular tempo of life. The act of the Petitioner of threatening the public and consequently people leaving the complainant at the mercy of the Petitioner and his associates is not an incident only against the complainant. The contention of the learned Counsel for the Petitioner that the fact that people had gathered to help would mean that the Petitioner established no terror is without any merit. The complainant states that people gathered because the complainant was shouting and came to see what was happening. Nowhere it is stated that the people intervened or tried to restrain the Petitioner and his associates. Whosoever came to see what was happening was threatened and chased away by the Petitioner.

12. Similar is the position regarding a statement of Witness A, where he has stated that the Petitioner and his associates were always involved in crimes and even after being released from jail, they continued to do so and there is no deterrent. Witness A was forcibly taken on a motorcycle, and people gathered when he shouted for help. The Petitioner brandished a knife and threatened people, who ran away with fear. The intent and effect of the activities of the Petitioner were clearly to establish terror not only in the minds of the complainant, but people who were

gathered and, thus, this incident also is not an ordinary law and order issue but was calculated to create a breach of public order. Even applying the test of the degree of seriousness, the act cannot be considered as merely an ordinary criminal act without disturbance of the regular flow of life.

13. The learned Counsel for the Petitioner argued that the statements of Witness A and B were recorded on the same day, and therefore, they are doubtful. This submission cannot be considered. It is to be kept in mind that the statements of in-camera witnesses are not readily available and it is only when witnesses are taken into confidence that some of them are willing to make a statement. Therefore it is in these circumstances; the in-camera witnesses are recorded invariably on the same day or recorded within a few days of one another. Division Bench of this Court in the case of *Nagnarayan Saryu Singh vs. A.N. Roy; State of Maharashtra; Superintendent, Nasik*², has taken this view. There is, therefore, no merit in the contention.

14. The learned Counsel for the Petitioner then contended that both the statements of Witness A and Witness B are intrinsically improbable and stereotyped which reflects on the credibility of the statement. As regards the statements being repetitive, the bare perusal will show that the incidents are

² 2006 AllMR (Cri) 2147

different. If the Petitioner and his associates are indulging in similar activities of extortion and terrorising the victims and general public, the general description of the activities would be identical. On that ground, the in-camera statements of the witnesses cannot be discarded.

15. Therefore, the argument that the material placed before the Detaining Authority would show that there was no breach of public order to achieve peace and law and order and therefore, subjective satisfaction of the Detaining Authority to pass an order under Section 3, placing the Petitioner under detention for activities prejudicial to maintenance of public order, cannot be accepted and the same is rejected.

16. The next point that the Petitioner argued is that there is no live link between the incident and the order of detention, and the detention order is being based on stale incidents. C.R. No.779 of 2020 was lodged on 14 November 2020, and the detention order was passed on 6 May 2021, i.e. after five months. It was argued that meanwhile, the Petitioner was also released on bail and, therefore, there was no necessity for passing an order of detention, as nothing had happened between 14 November 2020 and the order of detention five months after that, and the two in-camera statements were only created to fill-up the lacuna.

According to the learned Counsel for the Petitioner, the starting point for considering whether there is a live link would be the FIR, and the in-camera statement will have to be ignored. The learned APP submitted that the in-camera statement of Witness A was recorded on 15 March 2021. The proposal to the Detaining Authority was submitted on 5 April 2021, i.e. within twenty days of recording the in-camera statement. After considering the material placed before the Detaining Authority, on 6 May 2021, the order of detention was issued and, on the same date, the Petitioner was detained and, thus, there is a live link between the incidents and the order of detention and the in-camera statement cannot be ignored.

17. Under Section 3 of the Act of 1981, power is conferred to detaining a person to prevent him from acting in any manner prejudicial to the maintenance of public order. The Detaining Authority uses this power on subjective satisfaction and determines whether the person falls within the categories and definition clause (2) of the Act whose activities are prejudicial to maintaining public order. For that purpose, the Detaining Authority is entitled to consider relevant material. The Supreme Court in *In the case of Smt. Phulwari Jagdambaprasad Pathak vs. Shri R.H. Mendonca & Ors.*³, as to whether in-camera statements would constitute the relevant material, observed thus:

³ JT 2000 (8) SC 209

"Then comes the crucial question whether in-camera statements of persons/ witnesses can be utilised for the purpose of arriving at subjective satisfaction of the detaining authority for passing the order of detention . Our attention has not been drawn to any provision of the Act which expressly or impliedly lays down the type of material which can form the basis of a detention order under Section 3 of the Act. Preventive detention measure is harsh, but it becomes necessary in larger interest of society. It is in the nature of precautionary measure taken for preservation of public order. The power is to be used with caution and circumspection. For the purpose of exercise of the power it is not necessary to prove to the hilt that the person concerned had committed any of the offences as stated in the Act. It is sufficient if from the material available on record the detaining authority could reasonably feel satisfied about the necessary for detention of the person concerned in order to prevent him from indulging in activities prejudicial to the maintenance of public order. In the absence of any provision specifying the type of material which may or may not be taken into consideration by the detaining authority and keeping in view the purpose the statute is intended to achieve the power vested in the detaining authority should not be unduly restricted. It is neither possible nor advisable to catalogue the types of materials which can form the basis of a detention order under the Act. That will depend on the facts and situation of a case. Presumably, that is why the Parliament did not make any provision in the Act in that regard and left the matter to the discretion of the detaining authority. However, the facts stated in the materials relied upon should be true and should have a reasonable nexus with the purpose for which the order is passed."

(emphasis supplied)

The Supreme Court, in the case of *Phulwari*, thus held that in-

camera statements of witnesses can be utilised for the purpose of arriving at subjective satisfaction of the detaining authority for passing the order of detention. Therefore, it cannot be held that in-camera statements of the witnesses should be excluded from consideration. That being the position if the argument of the Petitioner is accepted that the live link should be seen from the FIR and not from in-camera statement excluding them from consideration would be contrary to the law laid down by the Supreme Court in the case of *Phulwari*.

18. Furthermore, this argument was directly considered and negated by two division benches of this Court. These are decisions in *Deepak Govind Murudkar vs. R.H. Mendonca, Commissioner of Police*⁴ and *Omkar Chandrashekhar Kapare vs. The Commissioner of Police, Pune City & Ors.*⁵. In the case of *Deepak Murudkar*, it was argued before the Division Bench that delays in the issuance of detention orders have to be computed from the date of C.R. and not from the date of the last in-camera statement. The Division Bench rejected the contention in paragraph 11 of the report that the delay in issuing detention order would be computed from the date of the last in-camera statement and not from the date of last C.R. as was argued. The same view is taken by the Division Bench in the case of *Nagnarayan Saryu*

4 2001 All MR (Cri) 357

5 Criminal Writ Petition No.4456 of 2018 dated 28 January 2019

Singh. Here the Division Bench observed in the facts of the case before it that the last in-camera statement was recorded on 27 May 2004 and the detention order was of 22 June 2005, and the delay will have to be computed from the date of last material came to be known from sponsoring authority. The Division Bench categorically held that the last material was an in-camera witness statement. The learned Counsel for the Petitioner also argued that the authority had recorded the statements to fill in the gap to delay for the order of detention. Very same argument was argued before the Division Bench in *Nagnarayan Saryu Singh* that only because detinue got bail that this false statement was recorded. The Division Bench dealt with the same and rejected it, holding that the in-camera statements are verified by the officer of the rank of Assistant Commissioner of Police and, therefore, it is sufficient to remove any doubt in respect of the statement.

19. On this proposition, the learned Counsel for the Petitioner sought to rely on the decision of this Court in the case *Ajay Nagesh Nagmode vs. The State of Maharashtra & Ors.*⁶ and *Ganesh Alias Gajaraj Sainath Patil vs. The State of Maharashtra & Ors.*⁷ In the case of *Nagmode*, to contend in these cases, the Court considered the live link from the date of FIR to the order of detention. In the case of *Ajay Nagesh Nagmode*, this legal

⁶ Criminal Writ Petition No.1117 of 2021 dated 4 May 2021

⁷ Criminal Writ Petition No.846 of 2021 dated 29 June 2021

argument that the delay will have to be computed from the filing of the C.R. and not from the in-camera statement was not squarely raised and dealt with. Therefore, the decision of the Division Bench in the case of *Ajay Nagmode* is not an authority for the proposition that in-camera statement will have to be executed from consideration to find out whether there is a live link between the last incident and the passing of the detention order. Similar is the position in *Ganesh Sainath Patil*. Here also, the Court did not pose itself the question specific as to the exclusion of in-camera statement for considering the question of delay. In fact, the discussion would show that the Division Bench did not believe the in-camera statements and, therefore, they were excluded from consideration. In contrast, two Division Benches of this Court that is in *Deepak G. Murudkar* and *Omkar Chandrashekhar Kapare* have directly dealt with the submission above and specifically negated it. The ratio of these decisions is based on following the dicta of the Supreme Court in the case of *Phulwari*.

20. Therefore, we find no merit in the contention that there is no live link between the last incident and the order of detention and that the period should be computed from the registration of C.R., i.e. 15 November 2020, and not from 3rd week of February when the incident involving witness 'A' took place. This contention is already considered and decided by two Division

Benches of this Court, and same, therefore, is advanced in ignorance of the law laid down by this Court. Therefore, the same deserves to be rejected and is rejected.

21. The Petitioner's third ground of challenge is that there is no verification of the in-camera statements. It is submitted that the Detaining Authority has not personally verified the truthfulness of the in-camera statements, and there is no material on record to show that the Detaining Authority has personally verified the witnesses. The Detaining Authority has opened the in-camera statement at 2.00 pm., and on the same day, he has passed the detention order. He submitted that the Detaining Authority did not discuss the matter either with the Police Officer or Sub-divisional Police Officer to verify the authenticity. It was also submitted that the Senior Inspector of Police recorded the statements, and the Sub-divisional Officer had verified them, and the Detaining Authority did not interact with either of the authorities who recorded or verified. The Petitioner has relied upon the decisions in *Ravindrasing @ Mullasing, son of Sarwansing Gour vs. The Commissioner of Police, Nagpur (City), Nagpur & Ors.*⁸, *Sanjay s/o Ramlal Shahu vs. State of Maharashtra & Anr.*⁹ and *Smt. Vijaya Raju Gupta vs. Shri. R.H. Mendonca & Ors.*¹⁰

8 Criminal Writ Petition No.660 of 2015 dated 29 February 2016

9 Criminal Writ Petition No.768 of 2015, Oral Judgment dated 1 February 2016

10 (2001) All MR (Cri) 48

22. The learned APP submitted that the Detaining Authority has recorded in subjective satisfaction about the truthfulness of in-camera statements as well as he has perused in-camera statements as can be seen from the endorsements. It was submitted that the verification is done on the back of the same page by the Sub Divisional Officer which is relied on by the Detaining Authority to reach his satisfaction.

23. In the case of *Smt. Zebunnisa Abdul Majid vs. M.N. Singh & Ors.*¹¹, the Division Bench noticed that the detaining authority there had stated in affidavit that the in-camera statements were verified by higher grade police officer of the rank of Assistant Commissioner of Police and in view of the verification of the in-camera statements made by Senior Police Officer of the rank of A.C.P., and that he was subjectively satisfied that the contents of the in-camera statements were genuine. This was accepted as a sufficient compliance. In the case of *Nagnarayan Saryu Singh*, the Division Bench has observed thus:

"[20] The Assistant Commissioner of Police verifies the identity of the person making the statement i.e. the incamera witnesses are indeed real persons and not fictitious persons. After making enquiries with the incamera witnesses when the Assistant Commissioner of Police is satisfied about the genuineness of the statement made by the witness, he certifies the said incamera statement. The very purpose of an officer of the rank of

11 2001 CRI. L.J. 2759

Assistant Commissioner of Police verifying the statements of incamera witnesses is to lend assurance that the statements can be safely relied upon. Unless the incamera witnesses had indeed suffered at the hands of the detainee, there would be no reason for these persons to come forward and give statements against the detainee. In our view, verification of incamera witnesses by an Officer of the rank of the Assistant Commissioner of Police would provide a sufficient check & would lend sufficient assurance that the statements are genuine.

(emphasis supplied)

As regards the decision relied upon by the learned Counsel for the Petitioner on the issue of verification is concerned, in the case of *Ravindrasing @ Mullasing Sarwansing Gour*, the commissioner had not put his initials or any remarks on the statements and the Court, as a matter of fact, found that there was no application of mind. Similar is the position in the case of *Sanjay Ramlal Shahu*, where the Division Bench found from inspection of the original record that it did not contain any counter signature that the detaining authority has gone through the statement. These two decisions are not applicable as in the present case there is such endorsement shown to us. The case of *Smt. Vijaya Raju Gupta* is another decision where the Court found that neither in the detention order nor in the ground of detention the detaining authority had stated that he was satisfied with truthfulness of the statements made in-camera statement unlike the case at hand where the ground of detention expressly states so. In the case of

*Shahjahan w/o. Kalimkhan Samshadkhan Pathan vs. State of Maharashtra And Anr.*¹², the Division Bench found, as a matter of fact that the record did not indicate that statements were duly sealed and initialed by the Commissioner of Police. A specific ground was taken to challenge the order that Police Commissioner made no effort to discuss the matter to verify the authenticity, but no reply was filed in controverting the ground. Therefore, this issue is not decided as a proposition of law by the Division Bench, but the Division Bench drew attention to the fact that the reply was filed denying the assertion. Thus, the argument advanced by the Petitioner that the detaining authority must interact with the witnesses and the recording authority, has no basis in law. On the contrary, the Division Benches of this Court in *Nagnarayan Saryu Singh* and *Smt. Zebunnisa Abdul Majid* have held that if the detaining authority is satisfied that a higher grade police officer verified the in-camera statements, the detaining authority can rely on the contents of the in-camera statements as authentic and genuine.

24. In the present case, the Detaining Authority has not only filed an affidavit but has recorded the subjective satisfaction in the detention order as well. The Detaining Authority has stated on the aspect of verification has stated that that the said statements were verified by the Sub Divisional Police Officer, Miraj, Dist.

¹² 2016 ALL MR (Cri.) 4233

Sangli. The Sub Divisional Police Officer, Miraj, District: Sangli was satisfied with the identity of the witnesses and also verified the truthfulness of the incident and fear expressed by visiting the place of incident SDPO submitted a report of verification to him dated 24 March 2021. The Detaining Authority has stated that given the verification done by the superior officer about the truthfulness and the apprehension expressed by the in-camera witnesses, he was satisfied that the statements of in-camera witnesses were authentic and genuine. The Detaining Authority has also stated that on 6 May 2021, he has personally seen the in-camera statements and endorsed the same. Thus in the present case, in the record, the grounds of detention and reply clearly show that there was an application of mind at the recording level, verification level and at the stage of passing the detention order. Thus there is there no merit in the third ground of challenge as well.

25. In these circumstances, all the grounds taken to challenge the detention order are without any merit.

26. The challenge to the impugned detention order fails. The writ petition is dismissed. Rule is discharged.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)