

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

49 CRIMINAL WRIT PETITION NO.111 OF 2023

SAYYED FAIJAL @ TEJA SAYYED EJAJ
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. S.M. Nannaware
APP for Respondent/State : Mr.R.V. Dasalkar

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**
DATED : 12th JUNE, 2023.

PER COURT :-

1. The challenge in this petition is to the order of detention passed under section 3 of the 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 (For short, "the said Act").

2. Heard learned advocate for the petitioner. During the submission, the learned advocate restricted his petition to the challenge on the ground of non-compliance of section 10 of the said Act.

3. Perusal of section 10 indicates that the State Government is expected to place before the Advisory Board the order of detention along with the representation, if any made by the petitioner within

three weeks from the date of detention. In the present case, the order of detention is dated 14th June, 2022 while the order came to be implemented actually detaining the petitioner w.e.f. 15th June, 2022. The period of three weeks would be over on 6th July, 2022. On or before this day, the Government was expected to place before the Advisory Board an order of detention and representation, if any made by the petitioner.

4. Close reading of the affidavit in reply suggest the same is conspicuously silent to make out compliance of section 10 of the said Act. However, if we peruse the petition, the petitioner has not specifically taken the ground of challenge on account of non-compliance of section 10 of the said Act. Since the said ground has not been specifically pleaded, the respondents were not expected to respond thereto in detail. It is informed that the detention period of the petitioner would be over by day after tomorrow. Since the order of detention has not been challenged on any other grounds and ground of non-compliance of section 10 of the said Act has not been specifically pleaded in the petition, we are unable to address the said ground. In view of the same, the petition stands dismissed.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)