

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1074 OF 2023

Ajinkya Nilkanth Mule

..PETITIONER

-VERSUS-

1. District Magistrate, Latur
2. The State of Maharashtra
3. The Superintendent,
Latur Central Prison, Latur.

..RESPONDENTS

...
Advocate for Petitioner : Ms.Jayshri Tripathi h/f Mr.Rupesh A. Jaiswal
APP for Respondent/State : Mrs.V.N. Patil Jadhav

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 9th OCTOBER, 2023.**

PER COURT :-

1. Not on board. On being mentioned taken on board.
2. Heard.
3. The challenge in this petition, under Article 226 of the Constitution of India, is to the order of detention dated 11.05.2023 passed by respondent no.1 – District Magistrate, Latur under section 3 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 ('M.P.D.A. Act'). The petitioner thus came to

be detained for a period of 12 months w.e.f. 11.05.2023.

4. The challenge is mainly on the ground that his representation made to the State Government was not decided. He being an illiterate the copies of bail papers, which were in English, were not supplied to him in translated form. The order has also been challenged on other many grounds. The petition can be disposed of only on the ground namely the State Government to have not decided the petitioner's representation and directed him to raise all the grounds before the Advisory Board. Same is not permissible in law.

5. In the result, the petition is allowed, setting aside the order of detention dated 11.05.2023 passed by respondent no.1 – District Magistrate, Latur under section 3 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. The petitioner be released forthwith, if not required in any other case.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

sga/