

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL WRIT PETITION NO. 1156 OF 2023**

Sonaji Champati Shinde

..PETITIONER

VERSUS

The District Magistrate, Hingoli and Others

..RESPONDENTS

....

Mr. S.A. Kulkarni, Advocate h/f Mrs. R.L. Jakhade, Advocate for petitioner  
Ms. K.R. Jamdade, A.P.P. for respondents

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**CORAM : R.G. AVACHAT AND  
SANJAY A. DESHMUKH, JJ  
DATE : 01<sup>st</sup> DECEMBER, 2023**

**PER COURT :**

1. Heard.

2. The challenge in this petition, under Article 226 of the Constitution of India, is to the order dated 27<sup>th</sup> February, 2023 passed by Respondent No.1 – District Magistrate, Hingoli in D.O. NO.2023 DC-01/KAVI-144/2023/894 thereby detaining the petitioner under Section 3 of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offenders, Dangerous Persons, Video Pirates, Sand Robber and Black Marketing of Essential Commodities Act, 1981. Duration of detention is for twelve months. The challenge is only on the ground of delay in passing the order of detention.

3. Close reading of the order of detention indicates that last crime committed by the petitioner was registered on 28<sup>th</sup> August, 2022, whereas the order of detention was passed on 27<sup>th</sup> February, 2023 i.e. six months after registration of last committed crime. In-camera statements were also recorded in the very month. No affidavit-in-reply is filed explaining the delay in passing of order of detention. Nine months have been over post petitioner's detention. On the sole ground of there being no explanation for delay in passing the order of detention, we set aside the same.

4. In view of above, criminal writ petition is allowed in terms of prayer clause (c).

( SANJAY A. DESHMUKH, J. )

( R.G. AVACHAT, J. )

SSD