

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 CRIMINAL WRIT PETITION NO.1434 OF 2023

KIRAN SHANKAR KHARCHE
VERSUS
DISTRICT MAGISTRATE JALGAON, AND OTHERS

...

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

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 7th NOVEMBER, 2023.**

PER COURT :-

. Heard.

2. The challenge in this writ petition, under article 226 of the Constitution of India, is to order of detention dated 03.06.2023 passed by the District Magistrate, Jalgaon (Respondent no.1) detaining the petitioner under section 3 of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offenders, Dangerous Persons and Video Pirates Act, 1981 (hereinafter for the sake of brevity referred to as "the M.P.D.A. Act").

3. We do not propose to go into factual matrix as to whether there is material sufficient for detaining authority to arrive at a subjective satisfaction to pass the order impugned herein, since sole ground i.e. non-deciding the petitioner's representation by the State Government gives us a reason to observe that the petitioner's

continued detention has become illegal and unwarranted.

4. Admittedly, the petitioner submitted his representation to the State Government on 6th July, 2023. The petitioner's representation against his detention order is dated 6th July, 2023. It reached to the State Government in Home Department on 18th July, 2023. Till this date, same has not been decided. In view of the same, we allow the petition, observing that the petitioner's continued detention has become illegal and therefore, he needs to be set at liberty forthwith.

5. The petition is, therefore, allowed since the the continued detention of the petitioner would be illegal. The petitioner be set at liberty forthwith if not required in any other case.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

sga/