

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 854 OF 2025

Ulka Shivaji Sarde

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Satyavrat Joshi a/w. Ishan Paradkar for Petitioner.

Smt. M. M. Deshmukh, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATE : 4 APRIL 2025

JUDGMENT: (*Per S. M. Modak, J.*)

1. Heard Mr. Satyavrat Joshi, learned counsel for the Petitioner and Smt. Deshmukh, learned APP for the State.

2. In this petition, there is a challenge to the detention order dated 17.10.2024 passed against the detenue Vikrant alias Vicky Shivaji Sarde, who is the son of the petitioner, by the detaining authority-Commissioner of Police, Pune city, bearing O.W.No.CRIME.PCB/DET/HADAPSAR/SARDE/832/2024. It was passed in pursuance to the provisions 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 (for short 'MPDA'). The detention order is challenged mainly on three grounds – 1) the subjective satisfaction of the detaining authority is based on extraneous material; 2) the last registered offence does not disclose disturbance of public order and; 3) there is a delay in submitting the proposal by the sponsoring authority to the Detaining Authority.

3. With the assistance of both learned counsel we have perused the detention order dated 17.10.2024 and the grounds of detention. In the grounds of detention the Detaining Authority has referred to three registered offences and a preventive action taken U/s.110(g) of the Cr.p.c. Those details are given in paragraph-3.1 and 3.2. Those offences are of the year 2018, 2019 and 2023. Whereas, the preventive action was taken in 2023. The last offence relied upon by the detaining authority is dated 26.06.2024, it was registered at

Hadapsar police station vide C.R.No.1031 of 2024 U/s.394 r/w. 34 of the I.P.C. A copy of the said F.I.R. is annexed at page No.83. Apart from the detenue, there were three other accused persons involved in that offence.

4. In paragraph-6 of the grounds of detention, the detaining authority has referred to two 'in-camera' statements of witnesses 'A' and 'B'. The statement of witness 'A' was recorded on 23.07.2024 and the statement of witness 'B' was recorded on 27.07.2024. Those statements were verified by the A.C.P., Hadapsar Division, Pune city, on 02.08.2024.

5. The proposal for detention was sent by Sr.P.I., Hadapsar police station on 29.07.2024. The Detaining Authority has passed the detention order on 17.10.2024.

6. Learned counsel for the Petitioner submitted that the Detaining Authority has committed error in considering the previous offences. According to him, those offences pertain to the year 2018, 2019 and 2023 and there is no live-link

between those offences and the offence registered in 2024. Even if there is an offence committed in the year 2024, the ordinary law is sufficient to tackle the illegal activities committed by the detainee. The allegations pertaining to C.R.No.1031 of 2024 of Hadapsar police station show that it was an offence against an individual victim. It did not affect even tempo of the public life. It did not affect the public order. There was delay in initiating the proposal and also in passing the Detention Order from the last activity. The Detaining Authority could not have relied on the past activities as those offences were stale. In short, above are the submissions.

7. According to the learned APP, the detaining authority, even though has referred the earlier offences, it is by way of past history and the detention order is based on the recent registered offence and the two 'in-camera' statements. According to her, the previous history is considered in order to show that he is a habitual offender. She submitted that if the nature of the offence U/s.394 of the I.P.C. is considered, even

though the victim is the first informant, it has certainly created terror in the vicinity. According to her, the details given by the witnesses in the 'in-camera' statements support the apprehension that the detainee will be dangerous to the society at large if set at liberty.

8. We have considered these submissions. We do not find any merit in the grounds agitated by the learned counsel Shri. Joshi. We have perused the detention order. The previous offences were considered by way of previous history to show that he was a habitual offender. There is continuity in those activities. The live-link is not snapped. We have perused the 'in-camera' statements. Those statements show that the detainee was also involved in the incidents dated 13.07.2024 and 19.07.2024. On both these occasions, the detainee had assaulted Witnesses 'A' and 'B' with weapons like wooden stick and iron weapon, in public places. All this material shows that the detainee was indulging into those activities, and the preventive detention was necessary. The Detaining Authority

has reached his subjective satisfaction on the cogent material.

9. There is no substance in the submission that there was a delay in passing the Detention Order and therefore, it was not necessary at all. The 'in-camera' statements were recorded on 23.07.2024 and 27.07.2024 and the proposal was submitted on 29.07.2024. The proposal was submitted immediately. The Detaining Authority-Commissioner of Police had gone through the material and has passed the Detention Order on 17.10.2024. There is hardly any delay in submitting the proposal and passing the order. Reasonable time is required to collect the papers, prepare the grounds and making copies. Some reasonable time is required to apply the mind. So, we are not accepting the ground of delay taken by Shri. Joshi. On all these grounds, we find that there is no merit in the petition.

10. The Petition is dismissed and the Rule is discharged.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)