

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1313 OF 2025

Sharavan @ Rahul Ashok Burungale	]	
Age : 30, Occ.: Labour,	]	
(Presently in custody of Nashik Jail	]	
R/o Sai Shraddha Society,	]	
Behind Brahma Hotel, Manik Baug	]	
Sinhagad Road, Pune	]	... Petitioner

V/s.

- | | | | |
|----|-------------------------------|---|-----------------|
| 1. | State of Maharashtra |] | |
| | Through Principal Secretary, |] | |
| | Department of Home, |] | |
| | Govt. of Maharashtra, |] | |
| | Mantralaya, Madam Cama Road, |] | |
| | Mumbai – 400 032 |] | |
| | Summons to be served upon |] | |
| | Office of Government Pleader, |] | |
| | High Court, Mumbai |] | |
| 2. | Commissioner of Police, Pune |] | |
| | Having address at : Pune |] | |
| 3. | The Superintendent |] | |
| | Nashik Central Prison, Nashik |] | ... Respondents |

Mr. Om N. Latpate a/w Mr. Siddharth Satariya, Adv. Sagar Shinde, Adv. Sameer Tambe and Mr. Abhijeet Aher for Petitioner.
 Mr. Shreekant V. Gavand, A.P.P. for Respondent-State.
 Mr. Rahul Namade, API, Parvati Police Station, Pune City, present.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.
DATE : 16th September 2025.**

JUDGMENT : (Per : A.S. Gadkari, J.)

1) By this Petition under Article 226 of the Constitution of India, the Petitioner has impugned the Detention Order dated 22nd November 2024, bearing OW. NO./CRIME PCB/DET/PARVATI/BURUNGAL/950/2024, issued by the Respondent No.2, i.e. Commissioner of Police, Pune, under section 3(2) of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offenders, Dangerous Persons, Video Pirates, Sand Smugglers and Persons engaged in Black-marketing Essential Commodities Act, 1981 (Maha.Act No.IV of 1981) (Amendment-1996, 2009, 2015) (for short “MPDA Act”) and the Committal Order of even date, thereby detaining him in the Nashik Road Central Prison, Nashik.

2) Heard Mr. Latpate, learned counsel for the Petitioner and Mr. Gavand, learned APP for the Respondent, State. Perused entire record produced before us.

3) The principal ground raised in the present Petition for impugning the Detention Order dated 22nd November 2024 is that, there is vast variance / discrepancy in the English version and vernacular Marathi version of the Grounds of Detention served upon the Petitioner along with the Detention Order, which created confusion in the mind of the Petitioner

and therefore his right to file a proper and effective representation with the concerned Authority is impaired, which ultimately resulted into violation of his right under Article 22(5) of the Constitution of India.

3.1) The impugned Detention Order is based on one crime i.e. C.R. No. 302 of 2024, registered with Parvati Police Station, Pune City under Section 109(1) of the Bharatiya Nyaya Sanhita & under Section 142 of the Maharashtra Police Act, against the Petitioner and two in-camera statements of witnesses. The Detaining Authority after perusing the record submitted by the Sponsoring Authority has come to the conclusion that, the Petitioner is a 'dangerous person' as contemplated under Section 2 (b-1) of the MPDA Act and therefore the impugned Order dated 22nd November 2024, is issued under Section 3(2) of the MPDA Act.

3.2) It be noted here that, in the said C.R. No. 302 of 2024, the Petitioner was arrested on 20th September 2024 and was behind bars. The Detention Order was served on him on 23rd November 2024. The Petitioner was released on bail by the Court of competent jurisdiction on 27th December 2024, under Section 187(3) of the BNSS, as the Investigating Agency could not complete the investigation of the said crime within the stipulated period under the law.

3.3) Perusal of the record indicates that, the grounds of detention served upon the Petitioner are in English language and also in vernacular Marathi language.

3.4) In the English version of the grounds of detention, the Detaining Authority, in para No. 8, has stated as under:

“8. Presently, your bail application is allowed by the concerned Hon’ble Court, Pune in the offences of 1) Parvati Police Station, Pune C.R. No. 302/2024, u/s 109(1), of BNS & u/s 142 of MPA In view of your tendencies and inclinations reflected in the offence committed by you as stated above as well as the incidents recorded in the ‘In-Camera’ statements, I am further satisfied that after availing bail facility and becoming a free person, you again are likely to revert to similar activities. These are prejudicial to the maintenance of public order in future and it is necessary to detain you under the said Act to prevent you from acting in such prejudicial manner in future.”

3.5) However in the vernacular Marathi version of the grounds of detention, in para No. 8, has stated as under:

“८. सद्यस्थितीत तुम्हाला १) पर्वती पोलीस स्टेशन गुन्हा रजि नंबर ३०२/२०२४, बीएनएस अक्ट कलम १०९(१) सह मपोका कलम १४२ या गुन्ह्यात तुम्हाला अटक करण्यात आली असून सध्या न्यायालयीन कोठडीमध्ये आहात. प्रस्तुत गुन्हा हा देहदंडाची अथवा आजन्म कारावासाची शिक्षा होण्या इतपत गंभीर नसल्याने तुम्हाला सर्वसामान्य कायद्या नुसार भविष्यात जामीन मंजूर होण्याची शक्यता आहे. तुम्ही वर नमूद केलेल्या गुन्ह्यांमध्ये तसेच गोपनीय जबाबामध्ये नोंद केलेल्या घटना यामध्ये तुमची प्रवृत्ती व कल पाहता माझे आणखीन समाधान झाले आहे की, तुम्ही भविष्यात अशाच प्रकारचे गुन्हेगारी कृत्ये करण्याकडे तुमचा पुन्हा कल राहणार असून त्यामुळे भविष्यात सार्वजनिक सुव्यवस्थेस बाधा होणार आहे आणि म्हणून, भविष्यात अशा त-हेने सार्वजनिक सुव्यवस्थेस बाधा आणणारी

कृत्ये करण्यापासून परावृत्त करण्यासाठी तुम्हांस सदर कायद्याखली
स्थानबद्ध करणे अत्यंत आवश्यक आहे.”

3.6) It is thus clear that, in the vernacular Marathi version, the Detaining Authority has rightly stated that, the Petitioner was behind bars on the date of passing of the said Detention Order. However in the English version, it is stated that, the Application for bail preferred by the Petitioner has been allowed. Apart from the fact that, the discrepancy in the two versions has caused confusion in the mind of the Petitioner and as a result thereof, the Petitioner was unable to make effective representation to the competent Authority and his right under Article 22(5) of the Constitution of India, is violated. Reliance is placed on the decision of the Hon'ble Supreme Court in the Case of *Vijay Kumar Dharna @ Koka Vs. Union of India & Others, reported in (1990) 1 SCC 606*.

3.7) In view of the above, we quash and set aside the impugned Detention Order dated 22nd November 2024, issued by the Respondent No.2.

4) Hence, the following Order :

ORDER

i) Detention Order dated 22nd November 2024, bearing OW. NO./CRIME PCB/DET/PARVATI/BURUNGAL/950/2024, issued by the Respondent No.2, is quashed and set aside.

ii) Petition is allowed in terms of prayer clause (b).

iii) Petitioner be released from Jail forthwith, if not required in any

other case/cases, on production of an authenticated copy of this Order.

iv) All the concerned to act on the basis of an authenticated copy of this Order.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)