

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

CRIMINAL WRIT PETITION NO. 1717 OF 2025

Aman @ Amaan Jamir Shaikh
Age : 23 years, Occ.: Labour,
R/o. Flat No.6, 'C' Wing,
Tangewal Society, Shankar Nagar
Pune.

... Petitioner

V/s.

1. The Commissioner of Police,
Pune City, Pune.
2. The State of Maharashtra
(Through The Ld. Principal Secretary,
Home Department, Mumbai.)
3. The Superintendent,
Akola Central Prison, Akola.

... Respondents

Mr. Vikas Shivarkar, Advocate for the Petitioner.
Smt. M. M. Deshmukh, Public Prosecutor for the State.

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**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.**

RESERVED ON : 16th SEPTEMBER 2025

PRONOUNCED ON : 15th OCTOBER 2025

JUDGMENT [Per: RANJITSINHA RAJA BHONSALE, J] :-

- 1) By the present Petition, the Petitioner has invoked the Writ jurisdiction of this Court under Article 226 and 227 of the Constitution of

India, seeking quashing of the Order of Detention dated 21st October 2024, being No.Crime/PCB/DET/SAHAKARNAGAR/ SHAIKH/ 843/2024 (Detention Order) passed by the Commissioner of Police, Pune City, Pune i.e the Respondent No.1, 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 of Essential Commodities Act, 1981 (“MPDA Act”). The Petitioner being detained under the said Detention Order, seeks a direction for being released and set at liberty.

2) By an Order dated 7th April 2025, this Court has issued Rule in the petition. The Commissioner of Police, Pune City i.e Respondent No.1 has filed a detailed Affidavit-in reply dated 9th May 2025 dealing with the various contentions/grounds and opposed the Petition. The Superintendent, Akola District Prison Class-1, Akola i.e Respondent No.3 has also filed an Affidavit-in-reply dated 10th April 2025 opposing the Petition.

3) Heard Mr. Vikas Shivarkar, learned Advocate appearing for the Petitioner and Mrs. M. M. Deshmukh, learned In-charge Public Prosecutor appearing for the Respondents. Perused the record, the Affidavits in reply, filed by the Respondents and considered the decisions as cited and relied upon by the Advocates appearing for the parties.

4) At the very outset, we may note that, though the Petitioner has raised various grounds in the Writ Petition for challenging the Detention

Order dated 21st October 2024 passed by the Respondent No.1, the learned Advocate for Petitioner has restricted his arguments to only two grounds, which are as under:-

i) The Detaining Authority, after stating that the two offences mentioned in paragraph Nos.5.1 and 5.2 and the two in camera statements in paragraph Nos.6.1 and 6.2 are only considered/relied upon for passing the Detention Order has proceeded to rely upon the past offences/preventive actions mentioned in paragraph Nos.3.1 and 3.2 respectively for arriving at the subjective satisfaction as required under law; and

ii) The two offences referred to in paragraph Nos. 5.1 and 5.2 and the two in camera statements referred to in paragraph Nos. 6.1 and 6.2, do not constitute an offence/act which is in any manner prejudicial to the maintenance of Public Order. At the most, the same would be a law and order issue, which can be effectively dealt with by invoking the existing laws.

5) A perusal of the record indicates that the Detention Order and Committal Order are both dated 21st October 2024. The grounds of detention indicate that the Detention Order is based on two offences, as mentioned in paragraph Nos.5.1 and 5.2 and two in-camera statements summarized in paragraph Nos.6.1 and 6.2 (said offences and statements). The details of the said 2 offences are as under;

i) Offence registered with the Sahakar Nagar Police Station, Pune being Crime No.254/2024, under Sections 324(1), 342(4) of Bhartiya Nyaya

Sanhita, 2023, Section 4(25) of Arms Act, and under Sections 34(1)/135, 142 of MPA and under Section 7 of Criminal Law Amendment Act.

ii) Offence registered with the Sahakar Nagar Police Station, Pune being Crime No.255/2024, under Section 4(25) of Arms Act and Sections 34(1)/135, 142 of MPA.

6) It is the case of the Respondents, that based on the said offences and statements the Detaining Authority has arrived at the subjective satisfaction that, the Petitioner is “Dangerous Person” as defined under Section 2(b-1) of the MPDA Act, and the Petitioner has unleashed a reign of terror and has become a perpetual danger to the society at large in the area of Sahakarnagar Police Station of Pune City.

7) The first ground urged by the learned Advocate for the Petitioner is that, the Detaining Authority, after stating that the two offences mentioned in Paragraph Nos.5.1 and 5.2 and the two in camera statements in paragraph Nos.6.1 and 6.2 are only considered/relied upon for passing the Detention Order has proceeded to rely upon the past offences/preventive actions mentioned in paragraph Nos.3.1 and 3.2 for arriving for the subjective satisfaction as required under the MPDA Act. It is on the basis of this ground that, the learned Advocate for the Petitioner seeks to challenge the Detention Order. The said offences are past/stale offences which cannot be the basis for passing the present Detention Order.

8) Learned Advocate appearing for the Petitioner in support of the

above contention relied upon the Order dated 21st March 2025 passed by the Co-ordinate Bench of this Court in *Writ Petition No. 311 of 2025 in the matter of Raju @ Shendi Bhishan Tak Vs. The State of Maharashtra & Ors.*

9) The second ground urged by the learned Advocate for Petitioner is that, in Crime No.254 of 2024 registered by Sahakar Nagar Police Station, under Sections 324(1), 342(4) of Bhartiya Nyaya Sanhita, 2023 it is alleged that, the Petitioner committed the act of mischief and caused loss and damage to the vehicles. Though, it is alleged in said FIR that, the Petitioner shattered window glasses of vehicles, but not a single piece/ pieces of broken glass were recovered from the alleged spot of incident. Learned Advocate for the Petitioner placed reliance on the contents of spot panchnama and submitted that, there is no recovery of any shattered glass/broken pieces of glass from the spot. Therefore, the FIR cannot be relied upon. Learned Advocate further submits that, in both the crimes i.e. C. R. No.254 of 2024 and C. R. No.255 of 2024, default bail was granted to the Petitioner by the learned 13th Judicial Magistrate First Class, Pune vide Order dated 3rd October 2024. That, there were no efforts or any insistence on behalf of the Investigating Authorities/ Respondents to impose any conditions upon the Petitioner in the Order granting bail. That, the offences and statements relied upon against the Petitioner do not demonstrate nor are indicative of the fact that, any act of the Petitioner, is in any manner prejudicial to the maintenance of public order. Learned Advocate in support of above contentions, relies upon the decision of

the Hon'ble Supreme Court in the case of *Shaik Naznee V/s. State of Telangana & Ors.*, reported in *(2023) 9 Supreme Court Cases 633*. Learned Advocate would submit that, the alleged infractions of law are an outcome of private dispute pertaining to few individuals and not affecting the public or society as a whole. The said infractions, are minor, do not have any resemblance to an act of breach of public order and can be effectively dealt with by the ordinary laws of the land. At the highest, the said alleged offences and statements attributed to the Petitioner, only affect the law and order and cannot be termed to be as acts prejudicial to the maintenance of the public order. Learned Advocate further submits, as the Petitioner has been released on default bail, there is absolutely no need to invoke the extraordinary powers under the preventive detention laws. Learned Advocate therefore submitted that, in view of the aforesaid submissions, the Detention Order be quashed and set aside and the Petitioner be released from jail.

10) In reply to the first ground, Mrs. M. M. Deshmukh, learned in-charge Public Prosecutor appearing for the State, submits that, Respondent No.1 has infact relied only upon said offences in paragraphs 5.1 and 5.2 and in camera statements in paragraphs 6.1 and 6.2 in the grounds of detention to issue the Detention Order. She submits that, Respondent No.1 is within his authority and power to refer to past instances of a detenu, so as to bring on record the background, history and past offences/activities of a detenu, which are opposed and/or in violation of a law.

11) Mrs. M. M. Deshmukh, in support of her submissions, placed reliance upon (i) the Judgment and Order dated 18th December 2019 passed by the Hon'ble Supreme Court in the matter of *Khaja Bilal Ahmed Versus State of Telangana*, reported in (2020) 13 Supreme Court Cases 632 and (ii) the Judgment and Order dated 20th January 2023 passed in Criminal Writ Petition No.2672 of 2022 in the matter of *Ram @ Pappu Arun Kore Vs. The State of Maharashtra & Ors.*

Mrs. Deshmukh whilst relying upon para 23 of the judgment of *Khaja Bilal Ahmed V/s State of Telangana (Supra)* submitted that, in the absence of a clear indication of a causal connection a mere reference to pending criminal cases cannot account for the requirement of Section 3 of MPDA. At the same time, only a reference to the past offences or preventive actions without placing any reliance on the same to arrive at the required subjective satisfaction is permitted and within the authority of the Respondent No.1. She further placed reliance on paragraph 14 of the Judgment and Order dated 20th January 2023 passed in *Criminal Writ Petition No.2672 of 2022* in the matter of *Ram @ Pappu Arun Kore Vs. The State of Maharashtra & Ors* to submit that, reference to past cases may be made to bring out the past offences and preventive actions and the same is not prohibited, but the order of detention ought to be based only on offences having a direct nexus or link with the immediate need to detain an individual. She further submitted that in the present case the impugned Detention Order, only refers to past offences

and the subjective satisfaction of the Detaining Authority is based only on the cases/offences referred in paragraph Nos.5.1 and 5.2 and in-camera statements referred in paragraph Nos.6.1 and 6.2 of the grounds of detention and nothing more.

12) In reply to the second ground, Mrs. M. M. Deshmukh, submits that, the subjective satisfaction arrived at by the Detaining Authority is based on the said offences and statements. She further submits that, the two cases relied upon in the Grounds of Detention clearly indicate that, the Petitioner had damaged vehicles on the road, created ruckus by shouting loudly, used deadly weapons to threatened and assaulted persons from the general public and had broken windows of the vehicles parked on public roads. The Petitioner has, with dangerous weapons openly threatened the people on the road. Further, whilst referring to the statement of Witness "A" referred to in Paragraph No. 6.1 of the Grounds of Detention, she submits that, the Petitioner threatened the witness with Gupti (sword stick), by putting it on her neck and demanded Rs.5,000/- from her, for a party. Due to the said acts/conduct the general public was scared and terrified. The Petitioner slapped and his accomplices beat the witness with fists and kicks blows. The Petitioner while leaving, threatened to kill the witness, if she made any complaint to police. She further submits that, Witness "B" in Paragraph No.6.2 has stated that, the Petitioner abused and threatened, the witness, who is a fruit vendor and demanded fruits from the said witness. She further submits

that, when the said witness demanded the price of Rs.200/- for the said fruits, the Petitioner slapped the witness, abused him in filthy language and told him that all vendors in the area give him protection money (Hafta) and if he wants to do business, he will have to give protection money (Hafta) to the Petitioner. Further, the Petitioner demanded Rs.1200/- from the said witness and told him that he should give Rs.1,000/- per month as protection money (Hafta). When the witness showed his inability to pay the money, the Petitioner took out Koyta (sickle) and assaulted witness, which was avoided by the witness as he moved away. The Petitioner, by threatening the witness forcibly took Rs.750/- from daily business collection of the witness, abused him and threatened to cut him into pieces if he complained anybody or told anybody. Mrs. M M Deshmukh submits that the Detention Order is well founded and clearly demonstrates that, the Petitioner, a dangerous person. She submits that the Petitioner has unleashed terror and due to his conduct and activities, has become a threat and danger to the society at large.

13) We have perused both the FIR's and in-camera statements. In C.R. No.254 of 2025, it is case of the prosecution that, in the Tangewala Colony the Petitioner and his accomplice were shouting loudly and armed with weapons and stones ransacked people's rickshaws and a car which were parked on the public road outside Gangatirth building(public place). When the people/public questioned the Petitioner and his accomplice, they raised their weapons and with stones in their hands, ran towards the people and shouted "Don't

you know us, we are the Bhai of the Tangewala colony, and we will not spare a single one if you mess with us". Due to the said conduct and terror which was created, the people ran to their houses. The Petitioner and his accomplice further shouted and stated that "We are the bhai's of Tangewala Colony and nobody should mess with us". This is our opinion is a clear threat to the public at large Further, in C. R. No.255 of 2025, it is the case of the prosecution that, the Petitioner was on the road from Bikaner Chowk to Aranyeshwar Road, in front of Aranyeshwar Phase II society, was armed with a sharp weapon in his hand and was shouting loudly. The Petitioner was detained with the help of police personnel, and in presence of panch witnesses seized sharp weapon (iron sword) from the Petitioner.

14) Further, Witness "A" has given a statement, wherein he has stated that, on 29.7.2024 at around 7.30 pm when the witness was going home, from Aranyeshwar Taware Colony area, she saw people running and shopkeepers closing their shops. The witness states that, when she was trying to leave the place, the Petitioner stopped her. At that time the Petitioner had a Gupti in his hand and his accomplice who were drunk had weapons in their hands. The witness states that, Petitioner put the gupti around the neck of the witness and after abusing her demanded Rs 5000/- for a party. When the said witness informed him that, she did not have the money, the Petitioner slapped her due to which she fell down. The Petitioner's accomplices assaulted the witness with kicks and fist blows. No one came to help the said witness due to

the Petitioner's fear and terror. Due to said conduct of the Petitioner, the witness under fear gave Rs 200/- to the Petitioner. The witness states that, the Petitioner while leaving with the money, threatened her that, if she complains to the police he would kill her.

15) Witness "B", a fruit vendor in his statement, has stated that he is acquainted with the Petitioner and that the Petitioner indulges in hooliganism, bullies children in the area. The witness has stated that, on 31st July 2024 at around 8.15 pm, when he was closing his shop at Aranyeshwar, the Petitioner came with his accomplices and was chitchatting with his friends. That, when he looked at the Petitioner, he was threatened and abused by the Petitioner and the Petitioner demanded fruits. After giving the fruits, when the witness asked for the money, the Petitioner abused him and slapped him. That, the Petitioner demanded protection money (Hafta). The Petitioner demanded Rs 1200/- on that day and further told the witness that, he is supposed to pay Rs 1000/- as monthly hafta, to the Petitioner. When the witness showed his inability to pay the said hafta, the Petitioner took out a koyta from his waist and assaulted the witness. The said assault was avoided by the witness by moving away. The witness states that, the Petitioner's accomplices forcefully took Rs 750/- from the witness. The Petitioner abused and threatened the witness, by saying that the witness will have to give a protection money (Hafta) to the Petitioner and that if he tells about this incident to anybody or complains to anybody, he would be cut into pieces.

16) From the aforesaid offences and statements, it is clear that, the Petitioner habitually threatened the general public by using dangerous weapons and due to said conduct created an atmosphere of terror, a sense of insecurity. Due to the said conduct of the Petitioner, the public in the area is living under a shadow of constant fear, the people feel threatened and scared. The conduct and acts of the Petitioner adversely affects the even tempo of life and the public order and are prejudicial to the maintenance of public order.

17) As regards to the first ground raised by the learned Advocate for the Petitioner, on a perusal of the Grounds of detention we find that, the Respondent No.1 has only referred to past offences and preventive actions taken against the Petitioner. In the Grounds of Detentions, the Respondent No. 1 has specifically stated that the past offences are “only referred” and that the preventive actions have had “no deterrent effect on you”. The Respondent No. 1 has further specifically stated in Paragraph 8 of the Grounds of Detention that “Accordingly, I had relied upon material in Para 5.1; 5.2 & 6.1 and 6.2 of the grounds of detention to arrive at my subjective satisfaction that you”. From the abovementioned specific references, it is clear that, the Respondent No.1 has relied only on the two offences, mentioned in Paragraph Nos.5.1 and 5.2 and the two in camera statements of witnesses mentioned in Paragraph Nos.6.1 and 6.2 and nothing more to arrive at the subjective satisfaction that, the Petitioner is a ‘dangerous person’ as defined in Section 2(a)(iv) of MPDA Act and his criminal activities are prejudicial to

maintenance of public order. We find, that in the Grounds of Detention, it is specifically recorded that while the offences in the preventive action mentioned in Paragraph Nos. 3.1 and 3.2 have only been referred to show that, the Petitioner is a habitual criminal involved in continuous criminal activities and that preventive actions have no deterrent effect on the Petitioner and in fact are insufficient to curtail Petitioner's dangerous activities, which continued to show ascending trend.

18) In the case of *Khaja Bilal Ahmed Vs. State of Telangana And Others*, (2020) 13 SCC 632 (*Supra*), in Paragraph No.23, it is held that, the Order of Detention may refer to the previous criminal antecedents only, if they have a direct nexus or link with immediate need to detain an individual. It is further observed that, if the previous criminal activities of the detenu indicate his tendency or inclination to act in a manner prejudicial to the maintenance of public order, then it may have a bearing on the subjective satisfaction of the Detaining Authority. In the absence of a clear indication of a causal connection, a mere reference to pending criminal cases is of no avail. A mere reference to pending criminal cases cannot account for the requirement of section 3 of the Act. What is important is that the detention order cannot be based on stale, unrelated/unlinked acts.

19) In the present case, as observed by us earlier, the reliance to arrive at the subjective satisfaction is based only on the two offences mentioned in Paragraph Nos.5.1 and 5.2 and two in -camera statements in

Paragraph Nos. 6.1 and 6.2 and nothing more. Further, it would not be out of place to mention here that, the Judgment of *Khaja Bilal Ahmed Vs. State of Telangana And Others, (2020) 13 SCC 632 (Supra)* was also considered by this Court in the matter of *Shital alias Nitin Bhimrao Kharat V/s The District Magistrate, Satara & Others in Criminal Writ Petition No. 1816 of 2021 (Supra)*. This Court after considering the said decision of the Hon'ble Supreme Court, has observed that, an Order of Detention may refer to the previous criminal antecedents only, if they have a direct nexus or link with the immediate need to detain an individual. If the previous criminal activities could indicate the individual's tendency or inclination to act in a manner prejudicial to the maintenance of public order, then it may have a bearing on the subjective satisfaction of the Detaining Authority. If, however, in the absence of a clear indication of a causal connection, a mere reference to the pending criminal cases cannot account for the necessary requirement of section 3 of the MPDA Act. It is not open to the Detaining Authority to simply refer to past/stale instances and base the Detention Order on that basis. It is further observed that, the offences referred to in the said case did not show the live link with the detenu's past activities.

20) We also note that the Judgment of the Hon'ble Supreme Court in *Khaja Bilal Ahmed Vs. State of Telangana And Others, (2020) 13 SCC 632 (Supra)* and the Judgment of this Court in the matter of *Shital alias Nitin Bhimrao Kharat V/s The District Magistrate, Satara & Others in Criminal Writ*

Petition No. 1816 of 2021 (Supra) have once again been considered by this Court in its Judgment dated 20.01.2023 passed in *Criminal Writ Petition No.2672 of 2022 in the matter of Ram @ Pappu Arun Kore Vs. The State of Maharashtra & Ors*, wherein after considering the aforesaid judgments, it has been held that, in absence of any clear indication of a causal connection, a mere reference to the pending criminal cases cannot account for the necessary requirement of section 3 of the Act. It is observed that, previous criminal antecedents may be referred to only if they have a direct nexus or link with the immediate need to detain an individual. We are of the opinion that, the aforesaid observations are squarely applicable to the present case in hand before us. In the present case, it is clear that the Detaining Authority, has not relied upon the past offences and preventive actions referred to in the Paragraphs 3.1 and 3.2 and in view thereof the question of the past offences or preventive actions having any live link or nexus does not and cannot arise. The Detaining Authority specifically relies only on the offences mentioned in Paragraphs 5.1 and 5.2 and in camera statements mentioned in Paragraphs 6.1 and 6.2.

21) As regards the Judgment dated 21st March 2025, in the case of *Raju @ Shendi Bhishan Tak Vs. The State of Maharashtra & Ors* in Writ Petition No.311 of 2025, cited by the learned Advocate for the Petitioner, we are of the considered opinion that the same is *per incuriam* as the same has not taken into consideration the decision of the Hon'ble Apex Court in the

case of *Khaja Bilal Ahmed Vs. State of Telangana And Others* or the aforesaid Judgments of this Court i.e Judgment dated 16th November, 2021 passed in *Criminal Writ Petition No. 1816 of 2021* of this Court in the matter of *Shital alias Nitin Bhimrao Kharat V/s The District Magistrate, Satara & Others* and Judgment dated 20th January, 2023 passed in *Criminal Writ Petition No.2672 of 2022 in the matter of Ram @ Pappu Arun Kore Vs. The State of Maharashtra & Ors. (cited supra)*. It appears to us that, the aforesaid judgment of the Hon'ble Supreme Court and the Judgements of this Court were not placed before the Coordinate Bench and the Petitioner in Writ Petition No.311 of 2025 seems to have omitted to point out the correct facts and law. Therefore, the decision in the case of *Raju @ Shendi Bhishan Tak Vs. The State of Maharashtra & Ors* in Writ Petition No.311 of 2025 cannot be said to be a binding precedent. In view thereof, the first ground canvassed by the learned Advocate for the Petitioner is devoid of merits and deserves to be rejected.

22) As regards the second ground raised by the learned Advocate for the Petitioner, that the said offences and statements are not against the public and appear to be private/individualistic offences in nature and are not prejudicial to the maintenance of public order, is made only to be rejected. On a bare perusal of Paragraphs Nos.5 and 6 in the grounds of Detention and the FIR's, it is clear that, the Petitioner's actions are in fact extremely dangerous and also prejudicial to the maintenance of the public order, disruptive of

public order, disturb the normal lives of the general public and even disturb the even tempo of the society. From a bare perusal of the FIR's and statements, it is clear that, the Petitioner habitually threatened the general public by using dangerous weapons, assaulted them and due to said conduct created an atmosphere of terror, a sense of insecurity in the minds of the public. It is clear that the general public in the area is living under a shadow of constant fear, threat and are scared. The C.R. No.254 of 2025, indicates that the Petitioner at the Tangewala Colony was shouting loudly and breaking the glasses of the vehicles parked on a public road. The Petitioner and his accomplice armed with weapons and stones ransacked people's rickshaws and a car which were parked on the public road. On being questioned by the people/public, the Petitioner and his accomplice, armed with weapons and stones, ran towards the people and shouted "Don't you know us, we are the Bhai of the Tangewala colony, and we will not spare a single one if you mess with us". The conduct, created terror and insecurity and people ran to their houses. The Petitioner and his accomplice loudly threatened that "We are the bhai's of Tangewala Colony and nobody should mess with us". Further, in C. R. No.255 of 2025, it has been recorded that, the Petitioner armed with sharp weapon, while standing on the road in front of Aranyeshwar Phase II society, was shouting loudly. The Police personnel detained the Petitioner, and in presence of panch witnesses seized the sharp weapon (iron sword) from him.

23) Further, the in camera statement of Witness A records that, on

29.7.2024 at around 7.30 pm when the witness was going home, she saw people running and shopkeepers closing their shops. She was stopped by the Petitioner. The Petitioner had a Gupti (sword stick) in his hand and his accomplice were drunk and armed with weapons. The Petitioner put the gupti around the neck of the witness, abusing her and demanded Rs 5000/- for a party. When the said witness, showed her inability to pay, the Petitioner slapped her due to which she fell down. The Petitioner's accomplices assaulted the witness with kicks and fist blows. Due to the Petitioner's fear and terror no one came to help the witness. The witness, under fear gave Rs 200/- to the Petitioner. While leaving, the Petitioner threatened the witness that, if she complains to the police he would kill her. Further, Witness B, in his statement has stated that, he is acquainted with the Petitioner and that the Petitioner indulges in hooliganism and bullies children in the area. The witness has stated that, when he was closing his shop at Aranyeshwar, the Petitioner came there with his accomplices and was chitchatting with his friends. When the said witness looked at the Petitioner, the Petitioner threatened, abused him and asked for fruits. After giving the fruits, when the witness demanded money, the petitioner abused him and slapped him. The Petitioner demanded protection money (Hafta). At that time, the Petitioner demanded Rs 1200/- and further told the witness that, he is supposed to pay Rs 1000/- as monthly hafta, to the Petitioner. When the witness showed his inability to pay the said hafta, the Petitioner took out a koyta from his waist and assaulted the witness.

The said assault was avoided by the witness by moving away. Then the Petitioner's accomplices forcefully took Rs 750/- from the witness. The witness, was directed to give protection money (Hafta) to the Petitioner. The Petitioner, threatened and abused the witness, that if he tells about this incident to anybody or complains to anybody, he would be cut into pieces. From the aforesaid facts and statements, it is evident and clear that, the general public was scared and terrified due to the conduct and acts of the Petitioner. The Petitioner and his accomplice were armed with dangerous weapons, hurling abuses at the general public, shouting and threatening the people. Due to the conduct of the Petitioner, an atmosphere of fear was created in the minds of the public and shopkeepers. They closed their shops on seeing the Petitioner and ran away/went home. The conduct and the acts of the Petitioner, both cumulatively and individually seems to have terrorized the atmosphere in the locality and the general public was scared, running away, closing their shops/businesses and running to their houses. We are of the considered opinion that, the acts and conduct of the Petitioner are such as would disturb the public peace and harmony of the society and certainly disturbs the even tempo of the society. It is apparent from the material relied upon by the Detaining Authority that, the Petitioner has created an atmosphere of terror and his acts and conduct is prejudicial to the maintenance of public order and adversely affect the maintenance of public order. We find that, the subjective satisfaction arrived at by the Detaining

Authority is well founded, well placed and based on the material before it. Hence, the submissions of the learned Advocate for the Petitioner deserve to be rejected.

24) It would not be out of place to make a reference to section 5A of the MPDA Act, which provides that the grounds of detention are severable and the order of detention shall be deemed to have been made separately on each of the grounds. Considering the provisions of Section 5A of the Act, assuming that one of the ground/incident does not fall within the purview of public order, the Impugned Order can still be sustained on the other ground/incident. On the basis of aforesaid facts and circumstance, the Detaining Authority has concluded and arrived at its subjective satisfaction that, Petitioner's detention was necessary to prevent him from acting in a prejudicial manner affecting public order. In view of the aforesaid facts and circumstances, we do not find any substance in the submissions of the Petitioner in support of his challenge to the Detention Order.

25) In light of the aforesaid observations and findings, we do not find any merits in the grounds of challenge urged by the Petitioner and therefore, the Petition deserves to be dismissed.

25.1) The Petition is dismissed.

25.2) Rule is accordingly discharged.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)