

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

CRIMINAL WRIT PETITION NO. 1997 OF 2025

Ravi Maruti Chakke

Age : 30 years,

R/a Survey No. 203, Sadesatranali,

Dangat Wasti, Hadpsar, Pune

(At present in Aurangabad Central Prison)

... Petitioner

V/s.

1. The State of Maharashtra
(Through Govt of Maharashtra,
Home Department, Mantralaya)
2. Commissioner of Police, Pune
Office of Commissioner of Police
Pune, Maharashtra.
3. The Superintendent,
Chhatrapati Sambhaji Nagar
Central Prison, Aurangabad.

... Respondents

Mr. Amandeep Singh Sra, Appointed Advocate Through Legal Aid for the
Petitioner.

Mr. J. P. Yagnik, Additional Public Prosecutor for the State.

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

RESERVED ON : 13th OCTOBER 2025

PRONOUNCED ON : 17th OCTOBER 2025

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

- 1) Petitioner, by the present Petition under Article 226 of the

Constitution of India, seeks to challenge the Detention Order, bearing OW No./CRIME PCB/DET/HADAPSAR/CHAKKE/50/2025 dated 20th January, 2025 (the Detention Order), issued 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) and the Order of Committal of even date, thereby detaining the Petitioner in the Chhatrapati Sambhaji Nagar Central Prison, Chhatrapati Sambhaji Nagar. The Petitioner being detained seeks a direction for his release from detention and liberty.

2) By Order dated 15th April 2025, this Court issued Rule in the Petition. The Respondent Nos.1 to 3, have filed their Affidavits in reply dated 23rd April 2025, 9th May 2025 and 23rd April 2025, respectively dealing with the contentions/grounds raised by the Petitioner and opposed the Petition.

3) Heard Mr. Amandeep Singh Sra, learned Advocate for the Petitioner Appointed through Legal Aid and Mr. J. P. Yagnik, Additional Public Prosecutor for the State. Perused entire record and the Affidavits in Reply filed by the Respondents.

4) Learned Advocate for the Petitioner, at the outset submits that, though various grounds in paragraph No.7 (a) to 7 (u) of the Petition have been raised for challenging the Detention Order dated 20th January, 2025, however, he is restricting his argument only to the ground of delay.

5) Learned Advocate for the Petitioner submits that, the Detention Order dated 20th January, 2025 is based on one C. R. bearing No.1796/2024 dated 25th November, 2024 and on two in-camera statements of witnesses 'A' and 'B' recorded on 4th December, 2024 and 7th December, 2024 respectively. Learned Advocate for the Petitioner further submitted that in C. R. No. 1796/2024, Petitioner was granted bail on 6th January, 2025. The proposal of detention was submitted by the Sponsoring Authority to the Additional Commissioner of Police, Hadapsar Division, Pune City on 12th December, 2024. Learned Advocate for the Petitioner, after relying on the aforesaid facts, submits that, C. R. No.1796/2024, which has been relied on, has been registered on 25th November, 2024 and the Detention Order was passed on 20th January, 2025. There is delay of 57 days in passing the Detention Order. Learned Advocate for the Petitioner would further submit that, there is delay of 45 days from last in-camera statement i.e. statement of witness 'B' was recorded on 7th December, 2024 till passing of Detention Order on 20th January, 2025. Learned Advocate for the Petitioner, lastly submits that there is delay of about 40 days in processing the proposal, as the proposal was forwarded to the Assistant Commissioner of Police, Hadapsar Division, Pune City on 12th December, 2024 and the Detention Order was passed on 20th January, 2025. He would submit that, the said delay has not been explained and that, on the ground of unexplained delay, the Detention Order ought to be quashed and set aside.

6) Learned Advocate for the Petitioner placed his reliance on the Judgment of this Court in the matter of *Rashid Shaukat Hussain Sayyed @ Jagga Vs. The State of Maharashtra & Ors. in Writ Petition No.5284 of 2017 dated 1st March, 2018*. Whilst placing reliance on the said judgment, the learned Advocate for the Petitioner submits that, the Respondent Authorities have failed to give any explanation for the delay and that, Authorities have failed to take prompt and swift action with reasonable promptitude.

7) Mr. J. P. Yagnik, learned Additional Public Prosecutor for the State, in reply would submit that in fact there is no delay in the matter and that, the Authorities have acted diligently. Learned APP would further submit that, out of two in-camera statements, which have been relied upon, the last in-camera statement was recorded on 7th December, 2024. The verification of in-camera statement was carried on 15th December, 2024. He would further submit that, after the verification, the Detention Order has been passed in little over a month. He submits that, the entire process i.e. from 12th December, 2024 till the approval of the proposal on 17th January, 2025 and the passing of the Detention Order on 20th January, 2025 has been explained. Learned APP also placed his reliance on the Judgment of this Court in the case of *Rashid Shaukat Hussain Sayyed @ Jagga Vs. The State of Maharashtra & Ors* (supra) and submit that, upon furnishing an explanation, the delay cannot be termed as fatal or of such an extent as would snap the live link.

8) On perusal of the Affidavit of the Respondent No.2, we find that,

the Respondent has explained entire process and have given details of the file movement. From the record, it appears that the proposal was submitted on 12th December 2024 and after being approved the Detention Order was passed on 20th January 2025. In the present matter, the last in-camera statement has been recorded on 7th December, 2024 and the Detention Order was passed on 20th January, 2025. It is pertinent to note that, the Petitioner was released on bail on 6th January, 2025. Considering the explanation in the Affidavit and the overall facts i.e. last in-camera statement was recorded on 7th December, 2024 and verified on 16th December 2024, Petitioner in C. R. No. 1796/2024 was released on bail on 6th January, 2025 and the Detention Order being passed on 20th January, 2025, we are of the opinion that, in the facts of the present case, there is no delay. Taking the overall view of the matter, we find that, the Authorities have acted in the reasonably swift, prompt manner and without any delay.

9) We also take note of the fact that, this Court in the matter of *Dipak Govind Murudkar Vs. Mr. R. H. Mendonca & Ors., reported in 2001 ALL MR (Cri) 357* has held that, for the purpose of computation of delay in issuing a Detention Order, the delay has to be computed from the date of last in-camera statement. As noted above, the last in-camera statement of the witness was recorded on 7th December 2024, the proposal was moved/ submitted by the Sponsoring Authority on 12th December 2024 and the Detention Order is dated 20th January 2025, which is passed on complying

with the entire process, procedure and formalities within a period of one and half month.

10) Considering the aforesaid facts and taking overall view of the present matter, we are of the opinion that, the time taken for issuance of the Detention Order has been explained by the Detaining Authority. In view thereof, we are not inclined to interfere with the Order of Detention dated 20th January, 2025 and therefore, the Petition deserves to be dismissed.

10.1) The Petition is accordingly dismissed.

10.2) Rule is discharged.

11) Before parting with the Judgment, we place on record our appreciation for the efforts put in by Mr. Amandeep Singh Sra, learned Advocate appointed by the High Court Legal Services Committee, Mumbai for espousing the cause of Petitioner as he was thoroughly prepared in the matter and rendered proper assistance to the Court in arriving at the aforesaid result.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)