

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3078 OF 2025

Chandan Manoj Gupta ... Petitioner
Age-22 years, Lalchand Yadav Chawal,
Near Pipeline, Nalpada, Gandhinagar,
Pokharan Road No.2, Thane (W),
Dist.-Thane.
At present- Kolhapur Central Prison, Kalamba)

Vs.

1. Commissioner of Police, Thane ... Respondents
2. The State of Maharashtra
(Through the Secretary, Home Department (Spl),
Mantralaya, Mumbai.
3. The Superintendent,
Kolhapur Central Prison,
Kalamba

Ms. Jayshree Tripathi a/w. Ms. Anjali Raut for the Petitioner.
Mr. S. V. Gavand, APP for the Respondent-State.

CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE , JJ.
DATED : 7th NOVEMBER, 2025.

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

1) Petitioner has impugned Order dated 13th August, 2024, bearing No.TC/PD/DO/MPDA/12/2024, passed by Respondent No.1 under Section 3 (2) of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous Persons and Video Pirates Act, 1981(Maha. Act No. IV of 1981) (Amendment-2015) (*for short*

MPDA Act) and the Committal Order of the even date, thereby directing the detention of the Petitioner in Kolhapur Central Prison, Kalamba, District Kolhapur by way of present Petition filed under Article 226 of the Constitution of India.

2) Heard Ms. Tripathi, learned Advocate for the Petitioner and Mr. Gavand, learned APP for the Respondent-State. Perused record and the Affidavits filed by the Respondent-Authorities. Learned Advocate for the Petitioner has raised specific Ground No. (d) in the Petition for assailing the Order of Detention. It is stated that the Order of Detention was passed on 13th August, 2024, however, it is executed on 4th April, 2025. Thus, there is delay of eight months in executing the Detention Order upon the Petitioner and therefore the live link between the alleged activities of the Petitioner to declare him as a dangerous person under Section 2(b-1) of the MPDA Act and the date of execution was snapped and therefore the Detention Order cannot be sustained.

3) It is in fact an admitted fact on record even as per the Affidavits of the Respondent-Authorities that, the impugned Detention Order was passed by Respondent No.1 on 13th August, 2024, however, it was executed on him on 4th April, 2025. The Affidavit filed by Deputy Secretary, Government of Maharashtra dated 23rd July, 2025 and in particular Paragraph 3 (iv) asserts the said fact. As far as Ground No.(d) is

concerned, in its Affidavit-in-Reply dated 11th July, 2025, the Detaining Authority in Paragraph No.10 has stated that, since the Petitioner was absconding, the Sponsoring Authority could not serve the Order of Detention on the Petitioner. That, multiple efforts were made by the Sponsoring Authority to execute and serve upon him the Order of Detention. That, visits were made by the Sponsoring Authority to the residence of the Petitioner, however, he was not traceable. As noted earlier it is thus an admitted fact on record that, there is delay of eight months in executing the impugned Detention Order upon the Petitioner.

4) This Court in the case of *Rupesh Laxman Gaikwad Vs. Commissioner of Police, Thane & Ors. in Criminal Writ Petition No. 3107 of 2025 dated 22nd September, 2025* after referring to and relying on the decisions of Hon'ble Supreme Court in the case of *T. A. Abdul Rahman Vs. State of Kerala*, reported in *AIR 1990 SC 225* and *K. P. M. Basheer Vs. State of Karnataka & Anr.*, reported in *(1992) 2 SCC 295*, *Manju Ramesh Nahar Vs. Union of India & Ors.* reported in *(1999) 4 SCC 116* has held that, the inordinate delay in executing the Detention Order upon the Detenue in the absence of reasonable and satisfactory explanation offered by any of the concerned authority for the said delay cannot be sustained on the ground that the live and proximate link between the grounds of detention and the purpose of detention is snapped.

5) Record further indicates that, though the Sponsoring Authority was having the knowledge of the fact that the Petitioner was absconding, no steps as contemplated under Section 7 of the MPDA Act were adopted by the concerned Authority/Authorities.

6) In view thereof, for the reasons mentioned hereinabove, we quash and set aside the Order of Detention dated 13th August, 2024, passed by Respondent No.1 and direct the Petitioner/Detenue be set at liberty forthwith, if not required in any other case/cases.

6.1) Hence, the following Order:-

ORDER

- (a) Detention Order dated 13th August, 2024 bearing No. TC/PD/DO/MPDA/12/2024, issued by the Respondent No.1, is quashed and set aside.
- (b) Petition is allowed in terms of prayer clause (b).
- (c) Petitioner be released from Jail forthwith, if not required in any other case/cases, on production of an authenticated copy of the operative part of this Judgment.
- (d) Rule is made absolute in the aforesaid terms.
- (e) All concerned to act on the basis of an authenticated copy of operative part of this Judgment.

(RANJITSINHA RAJA BHONSALE, J.)

(A. S. GADKARI, J.)