

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3836 OF 2025

Sagar Janu Dhebe]
 Age : 24, Occ: NA,]
 (Presently in custody of Jalna Prison)]
 R/o. Hill view Society, Flat No. 202,]
 Wadkar Mala, Hadapsar, Pune]
 And AP- Mangaon, Velha, 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]
3. The Superintendent]
 Jalna Prison, Dist. Jalna.]

... Respondents

Mr. Kuldeep Nikam a/w. Mr. Prasad Avhad for Petitioner.
 Mr. Shreekant V. Gavand, A.P.P. for Respondent-State.

CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.
DATE : 13th October 2025

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

1) Petitioner has invoked jurisdiction of this Court under Article 226 of the Constitution of India, impugning the Detention Order dated 30th April 2025, bearing OW. No./CRIME PCB/DET/SINHGAD ROAD/DHEBE/371/2025, issued

by Respondent No.2, the 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) (Amendment-2009) (Amendment-2015) (*for short “MPDA Act”*) and Committal Order of even date, thereby detaining him in Jalna Prison, Jalna.

2) Heard Mr. Nikam, learned Advocate for Petitioner and Mr. Gavand, learned APP for Respondent, State. Perused entire record and the Affidavits in reply of the Respondent/Authorities.

3) Record indicates that, along with the Detention Order dated 30th April 2025, the Petitioner was also served with Grounds of Detention dated 30th April 2025, in English language and its translation in Marathi vernacular language. In para No. 3.2 of English version of the Grounds of Detention, two cases of preventive actions dated 4th February 2023 and 22nd April 2024, have been mentioned. However, in the translated Marathi vernacular version, three cases of preventive actions dated 16th June 2021, 4th February 2023 and 22nd April 2024, have been mentioned.

3.1) It is therefore apparent and clear that, in the translated copy of Marathi vernacular version, the detaining Authority has mentioned three cases of preventive actions adopted against the Petitioner in the past. However, in the English version, only two preventive actions have been mentioned. The said

material discrepancy and/or the addition of one case in the Marathi vernacular version has certainly 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 impaired. The impugned Order of Detention therefore is vitiated in law and deserves to be quashed on the said count alone. Reliance is placed on the decision of the Hon'ble Supreme Court in the case of *Vijay Kumar Dharma Alias Koka Vs. Union of India And Others*, reported in (1990) 1 SCC 606 : 1990 SCC (Cri) 247 : 1990 SCCC OnLine SC 105.

3.2) In view thereof, we quash and set aside the impugned Detention Order dated 30th April 2025, passed by the Respondent No.2.

3.3) Hence, the following Order.

i) Detention Order dated 30th April 2025, bearing OW. NO./CRIME PCB/DET/SINHGAD ROAD/DHEBE/371/2025, issued by the Respondent No.2, is quashed and set aside.

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

iii) Petitioner be released from Jail forthwith, if not required in any other case/cases, on production of operative part of an authenticated copy of this Judgment.

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

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)