

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

CRIMINAL WRIT PETITION NO. 4061 OF 2025

Gangubai Anu Maharaj Puri
Mother of Sunil Aniruddha Puri (Detenu)

Age: 59 years,

R/o: Kandharewadi, Kandhar,

Panshewadi, Nanded,

Maharashtra 431 714.

(At present the Son of the Petitioner is
detained in Kolhapur Central Prison)

... Petitioner/Detenu's mother.

V/s.

1. The State of Maharashtra
(Through the Addl. Chief Secretary,
Home Department, Having office at
Mantralaya, Mumbai)

2. Commissioner of Police, Pune City
(Having its address at 2, Sadhu Wasvani Road,
Camp Road, Pune, 411 001)

... Respondents

Mr. Satyavrat Joshi a/w. Mr. Priyesh More, Advocate for the Petitioner.
Mr. J.P. Yagnik, A.P.P. for the State.

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

DATE : 4th NOVEMBER, 2025

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

1) By way of this Petition, under Article 226 of the Constitution of India, the mother of the Detenu, seeks to quash the Order of Detention bearing No. O.W. NO. CRIME PCB/DET/SINHGAD ROAD/PURI/510/2025, dated 10th June, 2025 passed 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 also Committal Order of the even date whereby the Petitioner's son/Detenu has been detained in the Kolhapur Prison, Kolhapur. The Petitioner prays that, her son be released and set at liberty.

2) The Respondents have filed their Affidavits-in-Reply, wherein they have opposed the Petition on various grounds. Heard Mr. Satyavrat Joshi a/w. Mr. Priyesh More, Advocate for the Petitioner. Mr. J.P. Yagnik, A.P.P. for the State. Perused the Affidavits-in-reply filed by the Respondents and the record before us.

3) The Detaining Authority, to conclude that the Detenue, is a "Dangerous Person" as defined under Section 2(b-1) of the MPDA Act, has in the Detention Order relied upon one C.R. i.e. C.R. No. 31 of 2025, registered on 16th January, 2025 with Sinhgad Road Police Station, Pune, for the offences punishable under Sections 118(2), 3(5), 190, 189(2), 189(4), 191(3) of BNS & under Section 4(25) of Arms Act and two in-camera statements dated 3rd April, 2025 and 5th April, 2025 for the incidents of 6th February, 2025 and 12th March, 2025 respectively.

4) Learned Advocate for the Petitioner submits that, there is a delay on part of the Respondent Authorities in processing the detention proposal on at least three counts. That, C.R. No. 31 of 2025 for the offences punishable

under Sections 118(2), 3(5), 190, 189(2), 189(4), 191(3) of BNS & under Section 4(25) of Arms Act is registered on 16th January, 2025 with Sinhgad Road Police Station, Pune, in which the accused was arrested on 21st January, 2025 and released on bail on 28th January, 2025. The in-camera statement of witness 'A' is recorded on 3rd April, 2025 in respect of an incident of 6th February, 2025 and in-camera statement of witness 'B' is recorded on 5th April, 2025 in respect of an incident on 12th March, 2025. That, the verification of the said in-camera statements was done on 9th April, 2025 i.e. after six days in respect of witness 'A' and four days in respect of witness 'B'. That, the delay in the verification process has not been explained. That, the Detention Order is passed on 10th June, 2025. That, from the recording of the in-camera statements of witnesses 'A' and 'B' on 3rd April, 2025 and 5th April, 2025, till the Detention Order was passed on 10th June, 2025, there is a delay of more than 66 days. That, the sole relied upon C.R. No. 31 of 2025 is registered on 16th January 2025, and the Detention Order is passed on 10th June 2025 i.e nearly after 5 months. He submits that on the ground of aforesaid delays, the Detention Order is required to be quashed and set aside.

5) Mr. J.P. Yagnik, learned APP appearing for State, while referring to the Affidavits-in-Reply filed by the Respondents submits that, there is no delay in the present matter. He submits that the in-camera statements could be recorded only after the witnesses showed their willingness to come forward and record the statements. That, efforts have to be taken by the Sponsoring

Authority to convince the witnesses and give them assurances based on which witnesses come forward to give their in-camera statements.

6) We have perused the record, so also, the Affidavits-in-Reply filed by the Respondents. We find that there is no plausible or reasonable explanation given by the Respondent Authorities to explain the delay. There is a casual attempt made to explain the delay, which is unsatisfactory. We find that there is a delay of five to six days in verifying the in-camera statements “A” and “B”. There has been no attempt at all to explain the circumstances in which this delay has taken place, be it administrative or otherwise. According to us, the delay of 66 days from recording last in-camera statement on 5th April, 2025 till passing of Detention Order on 10th June, i.e. 66 days has also not been explained and justified. Further, we find that there is an unexplained and unjustified delay of nearly 5 months in between the registration of the C.R. No. 31 of 2025 on 16th January 2025, and passing the Detention Order on 10th June 2025. In preventive detention matters such unexplained delays, cannot be accepted.

7) It is well settled that, on the ground of unexplained delay, a detention order can be set aside. The Supreme Court in the matter of *Pradeep Nilkanth Paturkar V/s. S. Ramamurthi & Ors*, reported in 1993 Supp (2) Supreme Court Cases 61 in paragraph 14 has observed that, the unexplained delay whether short or long especially when the detinue has taken a specific plea of delay, has to be explained. The Supreme Court quashed and set aside

the order of detention on the ground of unexplained delay. This Court has, followed the ratio laid down by the Supreme Court in the case of *Pradeep Nilkanth Paturkar (Supra)* in the matters of (i) *Mr. Austin William Luis Pinto Vs. Commissioner of Police, Greater Mumbai And Others reported in 2005 ALL MR (Cri) 28* at paragraph 8; (ii) *Niyazuddin @ Sonu Sirajuddin Ansari Vs. State of Maharashtra and Anr reported in 2013 ALL MR (Cri) 3870* at Paragraph No. 12 (iii) *Shri. Sanjeev @ Sanjay @Tatyasaheb Nagnath Upade Vs. The Commissioner of Police, Solapur and others passed in Criminal Writ Petition No.3035 of 2021* at paragraph no 9.

8) This court in the matter of *Deepak Govind Murudkar Vs. Mr. R.H. Mendonca & Ors reported in 2001 ALL MR (Cri) 357* has observed that, for the consideration of delay, one has to consider the period between recording of last in-camera statement and passing of the Detention Order. In the present case, the said delay is of 66 days. We find that, there is no explanation given by the Respondents for the said delay. As noted above there is also an unexplained delay in verifying the in camera statements and a delay of nearly 5 months in passing the Detention Order after recording the sole relied upon CR No 31 of 2025 and there is no explanation at all.

9) In the matter Preventive Detention, the liberty of individual is curtailed without a trial. The safeguards available to a detenu are only procedural. The same are required to be strictly followed and complied with.

Unexplained delay or improperly explained delay vitiates the very foundation and purpose of a Detention Order. Delay is an antithesis to the concept of Preventive Detention. We are also conscious of the fact that, it cannot be that delay in all matters, in all circumstances and on all occasions will be a ground to quash a Detention Order. Matters in which the delay is properly explained, and justified, stands on a different footing. A proper and complete explanation is required to be stated. We are of the view that, the Sponsoring/Detaining Authorities, in matters of preventive detention are under an obligation to give an explanation and justification of the circumstances under which there has been a delay/time gap in complying with the procedural aspect. Unexplained delay is unacceptable as it is against very purpose and object which the Authorities seek to achieve under the Preventive Detention laws.

9.1) In view of the above, we are of the view that the unexplained delays, the Detention Order cannot be sustained. The Detention Order, therefore unsustainable and is quashed and set aside.

9.2) Hence, the following order;

i) Detention Order dated 10th June 2025, bearing OW. NO :CRIME PCB/DET/SINHGAD ROAD/PURI/510/2025, issued by the Respondent No.2, is quashed and set aside.

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

iii) Son of 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.)