

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

CRIMINAL WRIT PETITION NO. 4278 OF 2025

Yash Rangnath Mohite
Age : 20 years, Occ.: Nil.
R/A. Bajarpeth, Chakan,
Tal. Bopkhel, Tal. Haveli,
Dist. Pune
(At present detained in the
Yerwada Central Prison, Pune)

... Petitioner

V/s.

1. The State of Maharashtra
(Through the Additional Chief Secretary,
Home Department, having office at
Mantralaya, Mumbai.)
2. The Commissioner of Police
Pimpli-Chinchwad, Office of
Commissioner of Police, Pimpri-
Chinchwad, Pune – 411033
3. The Superintendent of Jail
Yerwada Central Prison, Pune
4. The Sr. Inspector of Police,
Dighi Police Station, Pimpri-Chinchwad,
Pune.

... Respondents

Mr. Shailesh Kharat a/w Mr. Vishwajeet Nimbalkar, Mr. Omkar Chaudhari,
Advocate for the Petitioner.
Smt. M. H. Mhatre, 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 Conf. OW. No./PCB/DET/63/2025, Pimpri-Chinchwad, dated 13th March 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 Yerwada Central Prison, Pune. The Petitioner being detained seeks a direction for being released from detention and set at liberty.

2) By Order dated 11th August 2025, this Court issued notices to the Respondents. The Respondents have filed their respective Affidavits in reply, dealing with the contentions/grounds raised by the Petitioner and opposed the Petition.

3) Heard Shailesh Kharat, learned Advocate for the Petitioner and Smt. M. H. Mhatre, learned A.P.P. for the State. Perused entire record and the Affidavits in Reply filed by the Respondents.

4) Learned Advocate for the Petitioner has raised various grounds in

the Petition for challenging the Detention Order dated 13th March 2025, however, he restricted his argument only to the ground of unexplained delay. Learned Advocate for the Petitioner would further submit that, the delay is on the following counts.

i) Unexplained delay of 35 days from recording the in-camera statement of witness 'B' on 9th December 2024 to submitting the proposal to the Authority on 16th January 2025.

ii) Unexplained delay of 11 days i.e. from 16th January 2025 to 27th January 2025, when the proposal was submitted by the Assistant Commissioner of Police, Bhosari MIDC Division to the Deputy Commissioner of Police, Zone III.

iii) Unexplained delay of 11 days i.e. from 18th February 2025 to 27th February 2025, when the proposal was forwarded by the Deputy Commissioner of Police, Crime to the Additional Commissioner of Police.

5) Learned Advocate for the Petitioner would submit that, there is delay of 93 days i.e. from the recording of the last in-camera statement on 9th December 2024 till passing the Detention Order dated 13th March, 2025. Learned Advocate for the Petitioner would submit that, the delay on all four counts have not been explained by any Authority and 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 following Judgments.

- i) *Narendra @ Chotya Mahadev Balkawade Vs. The Commissioner of Police, Pune City & Ors. in Criminal Writ Petition No.6041 of 2019 dated 9th January 2020.*
- ii) *Pradeep Nilkanth Paturkar v. S. Ramamurthi and others reported in 1993 Supp (3) SCC 61.*
- iii) *Aalam Yosuf Shaikh v/s. The Commissioner of Police, Pune and ors in Writ Petition No. 4180 of 2017 decided on 15th December, 2017.*
- iv) *Salman @ Baba S/o. Harun Khan Vs. The State of Maharashtra & Ors. in Criminal Writ Petition No.279 of 2020 dated 14th August 2020.*

Learned Advocate for the Petitioner contended that, when the the delay is unexplained, the Detention Order can be quashed and set aside on the said ground alone.

7) Smt. M. H. Mhatre, learned Additional Public Prosecutor for the State, in reply would submit that, there is no delay much less, unexplained delay in passing the Detention Order. As regards the first contention of unexplained delay of 35 days between recording the last in-camera statement on 9th December 2024 and submitting of proposal on 16th January 2025, she submits that, the Petitioner was released on bail in C. R. No.522/2024 (relied upon C.R.) only on 10th January, 2025 and the proposal for detention was forwarded on 16th January, 2025 to the Assistant Commissioner of Police,

Bhosari, MIDC Division. It is pertinent to note that, the Assistant Commissioner of Police, Bhosari, MIDC Division verified the proposal the proposal on 18th January 2025 and then forwarded the same to the higher authorities. In view thereof, it cannot be said that, there is delay in between recording the statement and submission of the proposal. As regards, the delay on other two counts i.e. from 16th January, 2025 to 27th January 2025, when the Assistant Commissioner of Police, Bhosari, MIDC Division forwarded the proposal to the Deputy Commissioner of Police, Zone III, she submits that out of the said 11 days, 3 days were public holidays and the procedure of the Detention Order already initiated and in progress. As regards the second delay of 11 days i.e. forwarding the proposal from the Deputy Commissioner of Police, Zone III to the Additional Commissioner of Police, she submit that, out of the said 11 days, 3 days were public holidays. She further submits that, the Detention Order has been passed on 13th March, 2025 after complying with the procedure. She rely upon the Judgment of *Dipak Govind Murudkar Vs. Mr. R. H. Mendonca & Ors., reported in 2001 ALL MR (Cri) 357* and on relying on the Paragraph No.10 and 11 to submits that the delay has to be computed from the date of recording of last in-camera statement and not from the date of last C. R. or from submitting the proposal. She further submit that, considering the fact that, the last in-camera statement was recorded on 9th December 2024 and verified on 18th January 2025 and that Petitioner was granted bail on 21st January 2025, there is no delay in passing the Detention

Order dated 13th March, 2025.

8) We have perused the record. We note that, the last in-camera statement of witness 'B' was recorded on 9th December, 2024. The Petitioner was granted bail in one of the relied C. R. i.e. C. R. No.371/2024 on 21st January 2025. After the proposal was moved on 16th January 2025, the verification of the statement was carried out by the Assistant Commissioner of Police, Bhosari, MIDC Division on 18th January, 2025. The proposal was then forwarded and after getting approval, the Detention Order was passed on 13th March, 2025.

9) The contention of the learned Advocate for the Petitioner that, the unexplained delay of 35 days between recording the in-camera statement of witness 'B' on 9th December, 2024 and the submission of the proposal on 16th January 2025 is fatal, is totally misplaced. It is well settled law as laid down in the Judgment of this Court in the matter of *Dipak Govind Murudkar Vs. Mr. R. H. Mendonca & Ors., reported in 2001 ALL MR (Cri) 357*, that delay in issuing the Detention Order should be computed from the last in-camera statement. Therefore, the time gap between the recording last in-camera statement and the submission of proposal, cannot be considered. As regards the submission of the learned Advocate for Petitioner that, there is a delay of 11 days each i.e. from 16th January, 2025 to 27th January, 2025 when the proposal moved from Assistant Commissioner of Police, Bhosari, MIDC Division to the Deputy Commissioner of Police, Zone III and from 18th

February, 2025 to 27th February, 2025, when the proposal moved from the Deputy Commissioner of Police, Crime to the Additional Commissioner of Police, we are of the considered view that, the Petitioner does not consider the intervening public holidays, in the said period. We note that, for both the periods, there are 3 days, which were either public holidays or intervening holidays or Sunday. In the facts of the present case, the period of 8 days in considering the proposal would be reasonable as the other process such as verification of the statement, etc. has been carried out.

10) We also note that, the last in-camera statement has been recorded on 9th December, 2024 and the Detention Order is passed on 13th March, 2025. This overall delay of 93 days in passing the Detention Order, which in our opinion is fatal. The Detaining Order has made an attempt to explain the said delay. We are not in an agreement with the said explanation. The explanation apart from being routine is devoid of details and reasons. As stated above, the delay between recording the last in-camera statement and the passing of Detention Order, is required to be considered. In the present matter, we find that, the said delay is of 93 days. The same is not explained properly and we are not satisfied with the said explanation. In our opinion, the same has not been explained adequately, in the present matter. The preventive detention is a harsh action, which curtails the liberty of an individual in a summary manner and without trial. In a matter of preventive detention, the Sponsoring Authority and Detaining Authority ought to be

diligent and sincere in their efforts so as to aware that the entire process of approving the proposal of detention is completed with diligence and promptitude. The delay of approximately 3 months in passing the Detention Order is too long and goes contrary to the purpose and object of the preventive detention laws.

11) For the aforesaid reasons, we accept the reasons given for delay. In effect the Detention Order is vitiated on account of delay and it deserves to be quashed and set aside.

11.1) Hence, the following order;

- (a) Detention Order dated 13th March 2025 bearing Conf. OW. No./PCB/DET/63/2025, Pimpri-Chinchwad, issued by the Respondent No.2, is quashed and set-aside.
- (b) 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 present Judgment.
- (c) Petition is allowed in the aforesaid terms.
- (d) Rule is accordingly made absolute.

11.2) All the concerned to act on the basis of an authenticated copy of this operative part of the Judgment.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)