

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 4625 OF 2025**

Hitesh Gopal More

Age 37 Yrs, Occ Business

R/At : Park City, Silvassa,

Dadra & Nagar Haveli,

(Presently At Sub-Jail, Silvassa)

... Petitioner

V/s.

1) The District Magistrate,

Dadra & Nagar Haveli

Office of the Collector, Silvassa.

2) The Union Territory of Dadra

& Nagar Haveli and Daman & Diu,

Thorough its Administrator,

Secretariat, Silvassa.

3) State of Maharashtra,

Mantralaya, Mumbai

... Respondents

Mr. Abhishek Karnik a/w Mr. Uttam Dubey i/b Law Counsellors for the
Petitioner.

Mr. Ashwin Thool a/w Adv. Archishmati Chandramore for the Respondent
Nos.1 and 2.

Ms. M.M. Deshmukh, Acting.PP for Respondent-State.

CORAM : A. S. GADKARI AND

RANJITSINHA RAJA BHONSALE, JJ.

DATE : 15th DECEMBER, 2025

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

1) Petitioner, detinue has invoked jurisdiction of this Court under
Article 226 of the Constitution of India, impugning Detention Order dated 28th

July 2025, bearing No.ADM/Coll./CC/PASA/2025/35, passed by Respondent No.1 i.e. District Magistrate, Dadra & Nagar Haveli, under Section 3(2) of the Gujarat Prevention of Anti-Social Activities Act, 1985, as extended to the Union Territory of Dadra & Nagar Haveli vide Notification No.LAW/U.T. Merge (4)/Adapt. StateLaw/2022/48 Dated 30th March, 2022 read along with the Order of Department of Home Affairs vide Order No.ADM/DNH/DS (H)/PASA /2019/197, dated 6th February, 2019, directing preventive detention of the Petitioner at Sub-Jail, Silvassa, Dadra & Nagar Haveli.

2) Heard Mr. Karnik, learned Advocate for the Petitioner, Mr. Thool, learned Advocate for the Respondent Nos.1 and 2 and Ms.Deshmukh, Acting P.P for the Respondent No.3-State.

3) Perusal of impugned Detention Order reveals that, it is a composite Order including the grounds of Detention. At the outset it be noted here that, to the impugned Detention Order dated 28th July 2025, not a single document referred to and/or relied upon by the Detaining Authority is annexed. Only the crime numbers and the other preventive actions initiated either by the Police Department or by State Administration have been mentioned in Detention Order. The mother tongue of the Petitioner is Gujarati. He is well conversant with Gujarati vernacular language. The translated copy of the Detention Order in Gujarati vernacular is also not provided to the Petitioner along with the impugned Detention Order. As the said vital documents which were and are necessary for making an effective representation to the Competent Authority

are neither annexed to the Detention Order nor supplied to the Petitioner within the stipulated period as contemplated under Section 4 of the said Act, his fundamental right contemplated under Article 22(5) of the Constitution of India, to make an effective representation to the Competent Authority has not only been impaired but violated.

4) Learned Advocate appearing for the Respondent Nos.1 and 2 made an attempt to justify the action of the Respondent No.1. He relied on the decision of Hon'ble Supreme Court in the case of *Abdul Sattar Abdul Kadar Shaikh Vs. Union of India & Ors*, reported in (1990) 1 SCC 480, and in particular Paragraph Nos.5 and 9 thereon.

5) It be noted here that, we are not in agreement with the learned Advocate for the Respondent Nos.1 and 2. A minute perusal of the decision in the case of *Abdul Sattar Abdul Kadar Shaikh Vs. Union of India & Ors (supra)*, would clearly indicate that, the Detaining Authority had in fact provided the necessary documents such as FIRs and other documents and an Affidavit in Reply to that effect was filed on record. The Hon'ble Supreme Court therefore has held that, the contention that, the copies of the FIRs were not supplied was not beyond dispute.

6) The Hon'ble Supreme Court in the case of *Smt. Icchu Devi Choraria Vs. Union of India & Ors*, reported in AIR 1980 SC 1983, has held that, supplying of grounds of detention, includes the documents relied upon in such grounds. That, in the event of unreasonable delay in supply of such material,

the detention Order becomes illegal.

As noted above, in the present case, no documents at all are supplied to the Detenue along with the Detention Order.

7) In the present case along with the Order of Detention, no document referred to and relied upon by the Respondent No.1 was supplied to the Petitioner, so also the translated copies of the Detention Order in a language to which the Petitioner is well conversant with, has also not been supplied to him. According to us, the Detention Order therefore is vitiated and needs to be quashed and set aside.

8) Hence, the following Order is passed:-

i) Detention Order dated 28th July 2025, bearing No.ADM/Coll./CC/PASA/2025/35, issued by the Respondent No.1, 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.)