

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 4836 OF 2025**

Alkesh Raju John ... Petitioner

Age-29 years,

R/at Bharti Math, Subhas Road,

Nashik Road, Nashik

Aniket @ Kerla Raju John

... Detenue

Vs.

1. The State of Maharashtra

Through the Secretary, Home Department (Special),
Mantralaya, Mumbai-400 032.

2. The Commissioner of Police,
Nashik City, Nashik

3. The Superintendent of Nashik Road Central Prison, ... Respondents
Nashik

Ms. Aisha Ansari for the Petitioner.

Mr. Ajay Patil, APP for the Respondent-State.

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

DATED : 1st DECEMBER, 2025.

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

1) By this Petition under Article 226 of the Constitution of India, Petitioner has impugned Detention Order dated 10th June, 2025, bearing No.D.O.2025/MPDA/DET-04/CB-131, issued by Respondent No.2 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 (Maharashtra Act No. LV of 1981) (*for short MPDA*) and the Committal Order of the even date, thereby directing detention of brother of the Petitioner to Central Prison, Nashik Road, Nashik.

2) Heard Ms. Ansari, learned Advocate for the Petitioner and Mr. Patil, learned APP for the Respondent-State. Perused entire record and the Affidavits filed by the Respondent-Authorities.

3) Record reveals that, the Detention Order dated 10th June, 2025 was executed on detainee on 27th July, 2025. The detainee thereafter on 13th August, 2025 submitted his representation through the Superintendent, Nashik Road Central Prison, Nashik to the Respondent No.2. The said representation was received by Respondent No.1 on 14th August, 2025. The said representation of the detainee was decided and rejected by Respondent No.1 on 10th September, 2025.

3.1) The Deputy Secretary, Home Department, Government of Maharashtra i.e. Respondent No.1 has filed an Affidavit dated 14th October, 2025. In Paragraph No.2 thereof, the fact of receipt of representation dated 13th August, 2025 through Nashik Road Central Prison i.e. Respondent No.3 on 14th August, 2025 is admitted. It is stated that, the

remarks of the Detaining Authority were received by Respondent No.1 on 5th September, 2025 and thereafter on 10th September, 2025, the Additional Chief Secretary, after considering the remarks of the Detaining Authority, rejected the said representation on 10th September, 2025.

3.2) A minute perusal of the said Affidavit indicates that, the delay of about 23 days in forwarding the parawise remarks by the Detaining Authority to Respondent No.1 i.e. from 14th August, 2025 till 5th September, 2025 has not been explained, least to say any plausible explanation is offered by the said Authority. The Affidavit of Detaining Authority dated 13th August, 2025 is also silent on the point of the said delay of 23 days at its end in forwarding the parawise remarks of the Detaining Authority to Respondent No.1 i.e. State of Maharashtra. The Hon'ble Supreme Court, in the case of *Pradeep Nilkanth Paturkar Vs. S. Ramamurthi & Ors.* reported in *1993 Supp (2) SCC 61*, has categorically held that, the delay, long or short, must be satisfactorily explained by all the concerned Authorities, failing which the Order of Detention stands vitiated and cannot be sustained.

4) In view of the above, we are of the opinion that, the impugned Detention Order cannot be sustained and deserves to be quashed and set aside.

4.1) Hence, the following Order:-

- (a) Detention Order dated 10th June, 2025 bearing No. D.O.2025/MPDA/DET-04/CB-131 issued by the Respondent No.2, is quashed and set aside.
- (b) Petition is allowed in terms of prayer clause (a).
- (c) Detenue 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.)