

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

WRIT PETITION NO. 4636 OF 2025

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Pooja Viki Metkari
Aged 26 years, Occ. Housewife,
Residing at Plot No. 34, Raut Mala,
Behind MSCB, Pandharpur,
Post. Pandharpur, Dist. Solapur
... Petitioner

Versus

1. The State of Maharashtra
2. The District Magistrate, Solapur
3. The Superintendent, Yerwada Central
Prison, Yerwada. Dist. Pune
... Respondents

.....
Mr. Ranjeet H. Patil a/w Dhavalsinh V. Patil i/b Ganesh Bhujbal for
the Petitioner.

Ms. Veera Shinde, APP for the Respondent - State.

Mr. Sarje, H.C. 2041 Pandharpur City Police Station present
.....

**CORAM : R.G. AVACHAT AND
AJIT B. KADETHANKAR, JJ.**

DATE : 20th JANUARY, 2026.

ORAL JUDGMENT : (Per R.G. Avachat, J.)

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the learned Counsel for the parties.

2. Challenge in this Writ Petition under Article 226 of the Constitution of India is to the order 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 (for short “MPID Act”) detaining the petitioner for a period of 12 months on account of his activities to have been found to be prejudicial to the maintenance of public order. The petitioner was found to be “dangerous person” within the meaning of section 2(a)(iv) of the MPAD Act. The term “dangerous person” given in section 2(a)(iv) of the MPDA Act, reads thus:-

“2. (iv) in the case of a dangerous person, when he is engaged, or is making preparations for engaging, in any of his activities as a dangerous person, which affect adversely, or are likely to affect adversely, the maintenance of public order”.

3. The concerned police officer, therefore, put up a proposal for his detention. On verification of the proposal, the respondent No.2 - Detaining Authority passed the order impugned herein.

4. Learned Advocate for the petitioner would submit that although number of crimes were shown to have been registered against the petitioner, it is only last crime, C.R. No. 81 of 2025 registered against the petitioner and others for the offence punishable under Sections 118(1), 352, 351(2) 3(5) of B.N.S. Act, triggered the authority concerned to initiate proposal for the petitioner's detention. According to the learned Advocate, the petitioner had not been arrested in the said crime. On the contrary, he was served with a notice under Section 35(3) of the BNSS, 2023 (old Section 41(1) of the Cr.PC.). According to him, as usual the concerned Police Officer recorded two in-camera statements. If we read those statements, those are cyclostyle one. The detention order does not speak of subjective satisfaction arrived at by the Detaining Authority sofar as regards whether the in-camera statements on their own were sufficient to detain the petitioner.

According to him, the facts of the crime registered against the petitioner would indicate that at the most, it may be an issue of maintenance of law and order and not public order. According to him, for close to 11 months the petitioner is behind the bars. He, therefore, urged for allowing the petition.

5. Learned APP, on the other hand, submits that the ascending crime graph of the petitioner would indicate that his activities were necessarily prejudicial to the maintenance of public order. She would further submit that Zilla Parishad elections are round the corner and if the petitioner is released, he may again indulge in similar activities. She then took us through the FIR and related police papers of C.R. No.81 of 2025 to submit that the petitioner and co-accused intercepted the informant and assaulted with a cricket bat and even attempted to extort him. She has drawn our attention to the in-camera statements of two victims. According to her, those statements have been duly verified by the authority concerned. It was not necessary for the detaining authority to have interaction with the police officer who verified those in-camera

statements. According to her, all in all, the material relied on by the detaining authority was sufficient to detain the petitioner under Section 3(2) of the MPID Act. She would further submit that subjective satisfaction of the detaining authority could not be a matter of judicial review, more so when the material on record and the reasons given in the order impugned spell out the same. She, therefore, urged for dismissal of the Writ Petition.

6. We have considered the submissions advanced. Learned Advocate for the petitioner submitted across the bar that the externment orders, which were passed against the petitioner in the past, have all been set aside by the competent authority. The order impugned herein indicates that those externment orders have also been considered by the detaining authority to pass the order impugned herein. So far as regards Crime No. 81 of 2025 is concerned, the concerned Police Officer / Investigating Officer even did not prefer to arrest the petitioner in the crime. Needless to mention that by recording reasons for justification of arrest, the petitioner could have been arrested in the very crime. We fail to

understand as to how the concerned Police Officer would put up a proposal for petitioner's detention when he even did not find necessary to arrest the petitioner in the said crime. So far as regards in-camera statements are concerned, we are conscious that those statements on their own may be sufficient to pass a detention order. The order impugned herein however, did not state the same in so many words that if the crime in C.R. No.81 of 2025 kept aside, in-camera statements on their own were sufficient to slap the petitioner with the order of detention.

7. In short, the subjective satisfaction of the detaining authority has been arrived at on the basis of cumulative effect of the crime, C.R. No.81 of 2025 and two in-camera statements. It is reiterated that when the petitioner is not arrested in C.R. No. 81 of 2025, the same ought not to have been a ground for the petitioner's detention. As has already been observed, the order does not state that the in-camera statements on their own were sufficient to pass the order impugned herein. The petitioner is behind the bars close to 11 months. Based on the aforesaid material, we are of the view that

the order impugned herein ought not to have been passed.

8. We are, therefore, inclined to interfere therewith. In the result, petition succeeds, in terms of the following order;

: ORDER :

(a) Impugned order of detention dated 2nd April 2025 bearing No. 2025/DCB-2/RR-2025(1)/25 passed by respondent No.2 – District Magistrate, Solapur and order dated 22nd May 2025 bearing No. MPDA/0425/CR-162/Spl-3B passed by Section Officer to the Government of Maharashtra, Home Department (Special) against the Detenue are hereby set aside.

(b) The petitioner be released forthwith, if not required in any other case.

9. The Writ Petition stands disposed of.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT, J.]