

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

WRIT PETITION NO.6161 OF 2025

Zabbar Asif Movar
(Next Keen/Brother of Detenue
Shahnavaj @ Shanu Asif Movar)
Detenue in the custody of Sub-Jail
Daman Prison, Daman

.. Petitioner

Vs.

The District Magistrate,
Collectorate-Diu and Ors.

.. Respondents

Mr. Harshwardhan Milind Pawar, i/by Mr. Salman Pathan,
Advocates for the Petitioner.

Mr. Ayush Singh, h/f. Mr. Ashwin Thool, Advocates for
Respondent Nos.1 to 4.

Mr. S.V. Gavand, Additional Public Prosecutor for Respondent
No.5.

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.**

DATE : 8TH MAY 2026.

P.C. :

Challenging the detention order dated 30th September 2025, the petitioner who has formidable criminal past inasmuch as four criminal cases and seven chapter cases were registered/initiated against him, the only ground urged on behalf of the petitioner is that the detention order dated 30th September 2025 does not provide a period of detention. Mr. Harshwardhan Pawar, the learned counsel for the petitioner submits that the detention order dated 30th September 2025 does not record existence of any material on the basis of which the Detaining Authority has recorded its satisfaction in the said order. Section 13 of the Gujarat Prevention of Anti-Social Activities Act, 1985 ("PASA Act") provides as under:-

“13. (1) In any case where the Advisory Board has reported that there is, in its opinion, sufficient cause for the detention of the detenu, the State Government may confirm the detention order and continue the detention of the detenu for a period, not exceeding the maximum period prescribed by section 14 as it thinks fit.

(2) In any case where the Advisory Board has reported that there is, in its opinion, no sufficient cause for the detention of the person concerned, the State Government shall revoke the detention order and cause the detenu to be released forthwith.”

2. Section 14 of the PASA Act states that a maximum period for which any person may be detained in pursuance of any detention order made under the PASA Act which has been confirmed under section 13 shall be one year from the date of detention. The detention order dated 30th September 2025 does not provide a period of detention and if it has to be assumed that the period of detention can be extended to one year under section 14, the same has to be communicated to the detenu. Besides this technical issue, we have formed an opinion that the detention order dated 30th September 2025 does not provide any indication how and on what basis the District Magistrate, Diu has formed his subjective satisfaction that the petitioner is liable to be detained and has exercised his powers under section 3(2) of the PASA Act. After narrating the past criminal history of the petitioner, the Detaining Authority writes as under:-

“AND WHEREAS, it is evident that Shri Shahnavaz @Shanu Asif Movar has been involved in offences varying from criminal intimidation, gambling, bootlegging and providing safe haven to other bootleggers and criminals who have been exiled from other region and such anti-social and illegal activities are causing harm, alarm and danger to public peace and creating a feeling of insecurity among general domestic public and tourists thus adversely affecting public order;

AND WHEREAS, in view of above facts and circumstances and upon perusal of the documents on record from Police Department, it is apparent that Shri Shahnavaz @Shanu Asif Movar is a ~~common~~ gaming house keeper; a dangerous person who perpetrates illegal

activities of criminal intimidation, arms act violations, bootlegging and further is likely making preparations for above said illegal activities ~~at sensitive time of upcoming local body elections and upcoming peak tourist footfall season in Diu~~; and thus is a threat to the peace and tranquility of the general public and his activities are prejudicial to maintenance of public order in the District of Diu. And thus, in the light of above, the undersigned is satisfied that to maintain public order, there is need that Shahnavaaz @ Shanu Asif Movar must be brought under preventive detention for preventing his antisocial and dangerous activities prejudicial to maintenance of public order;

NOW, THEREFORE, I, Rahul Dev Boora, District Magistrate, Diu under the powers conferred upon me under Section 3(2) of the Gujarat Prevention of Anti-Social Activities Act, 1965 (the Act) as extended to the U.T. of Dadra & Nagar Haveli and Daman & Diu read along with the Notification of Department of Law & Justice vide No.LAW/U.T.Merge(4)/Adapt. State Law/2022/48 dated 30th March 2022 hereby direct to arrest Shri Shahnavaaz @ Shanu Asif Movar and detain him at Sub-Jail, Daman till further directions as per law.”

3. Quite apparently, the detention order dated 30th September 2025 suffers from non-application of mind and is quashed.
4. Writ Petition No.6161 of 2025 is allowed in the above terms.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]