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NC: 2026:KHC:11186-DB
WPHC No. 110 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

W.P.H.C. NO. 110 OF 2025

BETWEEN:

SRI NARENDRA GOPAL GOWDA A N,
S/O A G NARAYANAPPA,
AGED ABOUT 36 YEARS,
R/AT ANIKARANAHALLI POST,
SUGGONDAHALLI, MALUR,
KOLAR DISTRICT - 563 139.

...PETITIONER

(BY SRI RANGANATH REDDY R, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY ITS UNDER SECRETARY,
LAW AND ORDER DEPARTMENT,
VIDHANA SOUDHA, BANGALORE 560 001.
2. THE DEPUTY COMMISSIONER AND
DISTRICT MAGISTRATE,
KOLAR DISTRICT,
KOLAR - 563 103.
3. THE DEPUTY SUPERINTENDENT OF POLICE,
KOLAR DISTRICT,
413, 2ND MAIN ROAD,
GANDHI NAGAR, KOLAR - 563 101.
4. THE POLICE INSPECTOR,
MASTI POLICE STATION,





RAMEGOWDA LAYOUT,
MASTI, KOLAR DISTRICT-563 139.

5. THE SUPERINTENDENT,
MYSORE CENTRAL PRISON,
ASHOKA ROAD, RAJENDRA NAGAR,
MYSORE-570 002.

...RESPONDENTS

(BY SRI B.A BELLIPPA, SPP-I WITH
SRI THEJESH P, HCGP FOR THE RESPONDENTS)

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THIS WP(HC) IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF HABEAS CORPUS AND TO DECLARE THAT THE DETENTION ORDER NO.MAG(2) CR/L/0/03/2025-26 DATED 30.08.2025 VIDE ANNEXURE-A PASSED SECOND RESPONDENT, GOVERNMENT SANCTION NO.HD 474 SST 2025 DATED 06.09.2025 VIDE ANNEXURE-C AND GOVERNMENT CONFIRMATION ORDER NO. HD 474 ST 2025 DATED 09/10/2025 VIDE ANNEXURE-D AS ILLEGAL AND VOID AND THE SET THE DETENU AT LIBERTY ETC.

THIS W.P.H.C. HAVING BEEN HEARD AND RESERVED ON 18.02.2026, COMING ON FOR PRONOUNCEMENT OF ORDER, THIS DAY **VIJAYKUMAR A. PATIL J.**, MADE THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL



CAV ORDER

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

This petition is filed by the brother of the detainee seeking a writ in the nature of certiorari quashing the detention order dated 30.08.2025 passed in No.MAG(2)CR/L&O/03/2025-26 by the Respondent No.2, Order of Approval No.HD 474 SST 2025 dated 04.09.2025 and the Order of Confirmation No.HD 474 SST 2025 dated 09.10.2025 by the Respondent No.1 detaining the detainee in Central Prison, Mysuru, under the provisions of Karnataka Prevention of Dangerous Activities, Bootleggers, Drug Offenders, Gamblers, Goondas (Immoral Trafficking Offenders, Slum Grabbers and Video or Audio Pirates) Act, 1985 (hereinafter referred to as 'the Goonda Act').

2. The brief facts leading to the filing of this petition are that the detainee has been detained pursuant to the order of detention passed by the respondent No.2 against the detainee on 30.08.2025 under Section 2(g) of the Goonda Act for being a habitual offender and



repeatedly undertaking activities punishable under the various the provisions of the Indian Penal Code, 1860 (hereinafter referred to as 'the IPC'), the Arms Act, 1959 (hereinafter referred to as 'the Arms Act') and the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') and in order to prevent him from further engaging in the activities prejudicial to the maintenance of the public order. The order of detention was approved vide order dated 04.09.2025 and confirmed by the respondent No.1 vide order dated 09.10.2025. Being aggrieved by the said order of detention, order of approval and the consequent confirmation of the said order, this petition is filed by the brother of the detainee.

3. Sri.Ranganath Reddy R., learned counsel appearing for the petitioner submits that the detention order has been passed in violation of law and suffers from the procedural irregularities. It is submitted that there is no live and proximate link between the past actions of the



detenue and the passing of the order of detention. It is further submitted that in Crime No.75/2021 relied on in the detention order, it is shown that the bail is granted by the 'Hon'ble Karnataka High Court (Criminal Appeal No.1435/2021)', however, the said case is totally incorrect and does not involve the detenue. It is also submitted that the activities undertaken by the detenue do not cause any public disorder and the respondent-State ought to have resorted to the remedies available under ordinary criminal law, instead of resorting to passing an order of preventive detention, which is impermissible as per law. Hence, he seeks to allow the petition by setting the detenue free.

4. The learned State Public Prosecutor-I appearing for the respondent-State submits that the order of detention has been passed after following all procedural requirements and arriving at a subjective satisfaction. It is submitted that the detenue, despite being under trial in various offences and being out on bail, has continued his



illegal activities causing disturbance to the public order due to which, he is required to be detained under the order of preventive detention. Hence, he seeks to dismiss the petition.

5. We have heard the learned counsel appearing for the petitioner, learned SPP-I appearing for the respondent-State and perused the material available on record. We have given our anxious consideration to the submissions advanced on both the sides and the material available on record.

6. The point that arises for consideration in this petition is:

"Whether the impugned order of detention dated 30.08.2025 passed by the respondent No.2, the order of approval dated 04.09.2025 and the order of confirmation dated 09.10.2025 passed by the respondent No.1, are sustainable under law?"



7. To appreciate the case on hand, it would be useful to refer to the relevant provisions of the Goonda Act and they are extracted as under for ready reference:

"3. Power to make orders detaining certain persons.- (1) *The State Government may, if satisfied with respect to any bootlegger or drug-offender or gambler or goonda or [Immoral Traffic Offender or Slum-Grabber or Video or Audio pirate] that with a view to prevent him from acting in any manner prejudicial to the maintenance of public order, it is necessary so to do, make an order directing that such persons be detained.*

(2) If, having regard to the circumstances prevailing or likely to prevail in any area within the local limits of the jurisdiction of a District Magistrate or a Commissioner of Police, the State Government is satisfied that it is necessary so to do, it may, by order in writing, direct that during such period as may be specified in the order, such District Magistrate or Commissioner of Police may also, if satisfied as provided in sub-section (1), exercise the powers conferred by the sub-section :

Provided that the period specified in the order made by the State Government under this sub-



section shall not, in the first instance, exceed three months, but the State Government may, if satisfied as aforesaid that it is necessary so to do, amend such order to extend such period from time to time by any period not exceeding three months at any one time.

(3) When any order is made under this section by an officer mentioned in sub-section (2), he shall forthwith report the fact to the State Government together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter and no such order shall remain in force for more than twelve days after the making thereof, unless, in the meantime, it has been approved by the State Government.

8. Grounds of order of detention to be disclosed to persons affected by the order.-

(1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but not later than five days from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the State Government.



(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

10. Reference to Advisory Board.-

In every case where a detention order has been made under this Act the State Government shall within three weeks from the date of detention of a person under the order, place before the Advisory Board constituted by it under section 9, the grounds on which the order has been made and the representation, if any, made against the order, and in case where the order has been made by an officer, also the report by such officer under sub-section (3) of section 3.

11. Procedure of Advisory Board.-

(1) The Advisory Board shall after considering the materials placed before it and, after calling for such further information as it may deem necessary from the State Government or from any person called for the purpose through the State Government or from the person concerned, and if, in any particular case, the Advisory Board considers it essential so to do or if the person concerned desire to be heard, after hearing him in person, submit its report to the State Government, within



seven weeks from the date of detention of the person concerned.

(2) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the detention of the person concerned.

(3) When there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.

(4) The proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential.

(5) Nothing in this section shall entitle any person against whom a detention order has been made to appear by any legal practitioner in any matter connected with the reference to the Advisory Board.

13. Maximum period of detention.-

The maximum period for which any person may be detained, in pursuance of any detention order made under this Act which has been



confirmed under section 12 shall be twelve months from the date of detention."

8. A bare perusal of the aforesaid Sections indicates that the State Government may, if satisfied with respect to any "Goonda" as defined under Section 2(g) of the Goonda Act, with a view to prevent him from acting in any manner prejudicial to the maintenance of public order, pass an order directing such a person to be detained. Sub-section (2) of Section 3 of the Goonda Act empowers the District Magistrate or the Commissioner of Police to exercise the powers conferred under sub-Section (1) of Section 3 of the Goonda Act. Sub-section (3) of Section 3 of the Goonda Act mandates that if the order is passed by the Officer under sub-Section (2) of Section 3 of the Goonda Act, he shall forthwith report the fact to the State Government along with the grounds on which the order has been made. The order made by the Officer under sub-Section (2) shall remain in force for 12 days unless in the meantime, the State Government approves it. Section 8



of the Goonda Act mandates that the grounds of detention are required to be served on the detainee within 5 days from the date of detention and shall offer him the earliest opportunity of making a representation against the order to the State Government. Section 10 of the Goonda Act mandates that the order of detention made under the Goonda Act shall be placed before the Advisory Board within a period of 3 weeks from the date of detention order by the State Government along with grounds on which the order has been made and representation, if any, made against the order. Section 11 of the Goonda Act provides the procedure to be followed by the Advisory Board. The Advisory Board is empowered to consider providing personal hearing to the detainee and thereafter submit report to the State Government within 7 weeks from the date of detention of the person concerned. The Advisory Board is required to forward its opinion as to whether or not there is sufficient cause for the detention of the person concerned. The opinion of the Advisory Board



is confidential. Section 13 of the Goonda Act indicates that the maximum period for detention is 12 months from the date of detention.

9. The impugned detention order dated 30.08.2025 is passed by the respondent No.2 by recording the reason that the detainee is aged about 25 years and a resident of Anikarahalli Village, Masti Hobli, Malur Taluk, Kolar District and he has been involved in criminal cases including assault, murder and offences under the Arms Act, which has created fear in the minds of the people. To arrive at such a conclusion, the Authority placed reliance on the following cases:

- (a) Crime No.81/2019 registered by Masti Police Station for the offences punishable under Sections 341, 323, 504, 307 read with 34 of IPC.
- (b) Crime No.75/2021 registered by Malur Police Station for the offences punishable



under Sections 341, 143, 147, 302 of IPC
and Section 3(2)(5) of the SC/ST Act.

(c) Crime No.150/2023 registered by Masti
Police Station for the offences punishable
under Sections 427, 506, 504 read with 34
of IPC and Section 25 of the Arms Act.

(d) Crime No.43/2024 registered by Berikai
Police Station for the offences punishable
under Sections 302 and 341 of IPC.

10. The aforesaid crimes were registered against
the detainee from 2019 to 2024. The last crime registered
against the detainee is in Crime No.43/2024 on
15.03.2024.

11. It is contended by the learned counsel for the
petitioner that there is no live and proximate link between
the past actions of the accused i.e the last crime
registered against him and the need for passing an order
of detention as there is a gap of over 16 months from the



date of registration of the last offence registered against the detainee and the passing of the order of detention, which is impermissible under law.

12. It would be useful to refer to the decision of the Hon'ble Supreme Court in the case of **AMEENA BEGUM Vs. STATE OF TELANGANA & OTHERS¹**, wherein it was held in paragraph 28 as under:

"28. In the circumstances of a given case, a constitutional court when called upon to test the legality of orders of preventive detention would be entitled to examine whether:

28.1. The order is based on the requisite satisfaction, albeit subjective, of the detaining authority, for, the absence of such satisfaction as to the existence of a matter of fact or law, upon which validity of the exercise of the power is predicated, would be the sine qua non for the exercise of the power not being satisfied;

28.2. In reaching such requisite satisfaction, the detaining authority has applied its mind to all relevant circumstances and the same is not based

¹ (2023) 9 SCC 587



on material extraneous to the scope and purpose of the statute;

28.3. *Power has been exercised for achieving the purpose for which it has been conferred, or exercised for an improper purpose, not authorised by the statute, and is therefore ultra vires;*

28.4. *The detaining authority has acted independently or under the dictation of another body;*

28.5. *The detaining authority, by reason of self-created rules of policy or in any other manner not authorised by the governing statute, has disabled itself from applying its mind to the facts of each individual case;*

28.6. *The satisfaction of the detaining authority rests on materials which are of rationally probative value, and the detaining authority has given due regard to the matters as per the statutory mandate;*

28.7. *The satisfaction has been arrived at bearing in mind existence of a live and proximate link between the past conduct of a person and the imperative need to detain him or is based on material which is stale;*



28.8. *The ground(s) for reaching the requisite satisfaction is/are such which an individual, with some degree of rationality and prudence, would consider as connected with the fact and relevant to the subject-matter of the inquiry in respect whereof the satisfaction is to be reached;*

28.9. *The grounds on which the order of preventive detention rests are not vague but are precise, pertinent and relevant which, with sufficient clarity, inform the detenu the satisfaction for the detention, giving him the opportunity to make a suitable representation; and*

28.10. *The timelines, as provided under the law, have been strictly adhered to."*

13. It would also be useful to refer to the decision of the Hon'ble Supreme Court in the case of ***Sama Aruna v. State of Telangana***²

"17. *We are, therefore, satisfied that the aforesaid detention order was passed on grounds which are stale and which could not have been considered as relevant for arriving at the subjective satisfaction that the detenu must be detained. The*

² (2018) 12 SCC 150



detention order must be based on a reasonable prognosis of the future behaviour of a person based on his past conduct in light of the surrounding circumstances. The live and proximate link that must exist between the past conduct of a person and the imperative need to detain him must be taken to have been snapped in this case. A detention order which is founded on stale incidents, must be regarded as an order of punishment for a crime, passed without a trial, though purporting to be an order of preventive detention. The essential concept of preventive detention is that the detention of a person is not to punish him for something he has done but to prevent him from doing it. See G. Reddeiah v. State of A.P. [G. Reddeiah v. State of A.P., (2012) 2 SCC 389 : (2012) 1 SCC (Cri) 881] and P.U. Iqbal v. Union of India [P.U. Iqbal v. Union of India, (1992) 1 SCC 434 : 1992 SCC (Cri) 184] ."

14. It is clear from the aforesaid enunciation of law by the Hon'ble Supreme Court that there has to be live and proximate link between the past conduct of the detinue and the need to pass an order of preventive detention against him and there must be a reasonable prognosis of the person's future behavior based on his



past conduct in view of the surrounding circumstances. In the instant case, the last crime registered against the detainee is dated 15.03.2024 and the detention order is passed on 30.08.2025 in which there is a time gap of more than 16 months from the last crime. We are of the considered view that the last crime registered against the detainee has no live and proximate link with the satisfaction arrived by the Authorities in passing the detention order, which is impermissible under law.

15. The other contention of the learned counsel for the petitioner is that the Authorities, in the grounds of detention have relied on the factually incorrect and irrelevant data. On perusal of the grounds of detention, the Detaining Authority has placed reliance on Crime No.75/2021, which reflects the accused number, date of arrest, date of bail and the name of the Court in a tabular form. In the said table, the Court referred to is the 'High Court of Karnataka' and the case number is reflected as 'Criminal Appeal No.1435/2021. However, it is noticed



that the aforesaid case is totally irrelevant and factually incorrect as the parties in the aforesaid case are totally unrelated to the case on hand.

16. We are of the considered view that the material relied on in the grounds of detention by the Detaining Authority, while arriving at a subjective satisfaction suffers from factual inaccuracy, which cannot be allowed. It is trite law that the power of preventive detention is an 'exceptional' measure due to its potential to violate the sacred right of personal liberty guaranteed under Article 21 of the Constitution of India. It is important that such a power needs to be exercised with extreme caution by relying on precise and accurate information. In the instant case, the reliance placed on a factually incorrect case reflects the casual approach taken in the process, which cannot be permitted.

17. Though the petitioner has raised other grounds in the petition to attack the order of detention, we are of



the considered view that the impugned orders of detention are required to be interfered on two grounds referred *supra*. Hence, we need not consider the other contentions. Having held that the detention order under challenge is contrary to law and requires interference, we are of the considered view that the impugned order of detention is passed in violation of the fundamental rights of the detainee guaranteed under Article 21 of the Constitution of India.

18. For the aforementioned reasons, we proceed to pass the following:

ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned detention order dated 30.08.2025 passed by the respondent No.2, the order of approval dated 04.09.2025 and the order of confirmation dated 09.10.2025 passed by the respondent No.1, are hereby quashed.



- iii. The respondents are directed to set the detenue at liberty forthwith if his detention is not required in any other cases.
- iv. Registry is directed to communicate the operative portion of the order to the Chief Superintendent of Central Prison, Mysuru, forthwith for compliance.

No order as to costs.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

RV
List No.: 2 Sl No.: 8