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SLP(Crl.)No. 1732 OF 2001

ITEM No.4

Court No. 10

SECTION IIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 1732/2001

(From the judgement and order dated 01/03/2001 in CRLWP 1763/00
of The HIGH COURT OF BOMBAY)

PRIYANKA PANDIT FLOURE

Petitioner (s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent (s)

(For final disposal)
(With Office Report)
With

SLP(Crl.)No. 1903/2001

Date : 05/09/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr.Sunil Kr. Verma,Adv.
Mr. Shivaji M. Jadhav,Adv.

For Respondent (s) Mr.VN Ganpule,Adv,
Mr. S.V. Deshpande,Adv.

UPON hearing counsel the Court made the following
O R D E R

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Leave granted. The appeals are dismissed.

(Usha Bhardwaj)
P.S. to Registrar

(S.Malkani)
Court Master

Signed order is placed on the file.

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(Arising out of SLP(Cr1) NO.1732/2001)

Smt. Priyanka Pandit Fulore

& Appellant

Vs.

The State of Maharashtra & Ors.

& Respondents

With

Criminal Appeal No. 905 of 2001

(Arising out of S.L.P.(Cr1.) No.1903/2001)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

In this appeal filed on behalf of the detenu Pandit Kishan Fulore, the judgment of the Bombay High Court dismissing criminal Writ Petition No.1763 of 2000 is under challenge. In the said Writ Petition the order of detention passed by the Commissioner of Police, Thane, against the detenu under Section 3 of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug

Offenders and Dangerous Persons Act, 1981 (No. LV of 1981) (hereinafter referred to as the Act) was challenged.

From the discussions in the judgment of the High Court it appears that the detention order was challenged on the grounds that due to the delay in passing the order of detention by the authority the nexus between the activities allegedly committed by the detenu and the necessity for passing the order of preventive detention was lost; that the in-camera statements recorded by the subordinate officials were accepted by the competent authority without verifying the truth or otherwise. The High Court on perusal of the pleadings and on consideration of the contentions raised on behalf of the parties held that in the facts and circumstances of the case and the nature of the activities in which the detenu was involved the orders of detention could not be held to have been vitiated on account of delay in passing the order. The High Court further held that the delay in the case was neither inordinate nor unexplained. The contention raised on behalf of the detenu relating to the reliance placed on the in-camera statements along with other materials as the basis for subjective satisfaction for passing the detention order was not accepted. The High Court after rejecting the contentions raised on behalf of the detenu confirmed the order of detention and dismissed the writ petition.

The main thrust of the arguments of the learned counsel for the appellant was on the ground of delay. The counsel submitted that the materials against the detenu were collected in the month of July 2000 whereas the proposal for detention was initiated in August 2000 and the order of detention was passed in October, 2000; and according to the learned counsel for the appellant this delay having not been properly explained by the respondents should have been accepted as the ground for quashing the order of detention.

Per contra the learned counsel appearing for the respondents contended that in view of the nature of the activities committed by the detenu and his involvement in the incidents which happened in quick succession it cannot be held that the potentiality and propensity of the detenu indulging in such activities disturbing the public order in the area had been lost on account of lapse of time between the date of last incident and the date of the detention order. Referring the records he pointed out that after the materials were collected in July the proposal for detention of the detenu under the Act was initiated in the month of August, 2000 and thereafter the matter was processed by placing all the materials before the authority competent to pass the order. It was the submission of the learned counsel for the respondents that the High Court rightly rejected the challenge against the detention order on the ground of delay.

On consideration of the facts of the case as appearing from the records and the nature of activities alleged against the detenu, in our view, the findings recorded by the High Court that the detention order in the case was neither vitiated due to the delay nor on the ground of illegality in accepting the in-camera statements as materials for subjective satisfaction of the authority is unexceptionable. The High Court has given cogent reasons in support of its finding. Therefore, the order of detention passed against the detenu does not call for any interference.

There is no merit in the appeal which is accordingly dismissed.

SLP (Crl.) No.1903 of 2001

Leave granted.

The facts of the case and the points urged in support of this appeal are similar to those in the appeal arising from SLP (Crl.) No.1732/2001. For the reasons stated in the order passed in the appeal arising out of SLP (Crl.) No.1732/2001 this appeal is also dismissed.

& & & & & & & & ...J.
(D.P. Mohapatra)

& & & & & & & & J.
(K.G.Balakrishnan)

New Delhi
September 5, 2001