

URGENT

ITEM NO.40

COURT NO.12

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 9285/2025

[Arising out of impugned final judgment and order dated 25-02-2025 in WP No. 29710/2024 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

ANNU @ ANIKET THROUGH HIS FATHER AS
NEXT FRIEND KRUPAL SINGH THAKUR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA No. 144979/2025 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS, IA No. 144977/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 144978/2025 - EXEMPTION FROM FILING O.T.

Date : 27-06-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE K. VINOD CHANDRAN
[PARTIAL COURT WORKING DAYS BENCH]

For Petitioner(s) : Mr. Animesh Kumar, AOR
Dr. Sumit Kumar, Adv.
Mr. Keshav Baheti, Adv.
Ms. Aanchal Maheshwari, Adv.
Mr. Pranay Shukla, Adv.
Mr. Priyanshu Khare, Adv.

For Respondent(s) : Mr. Piyush Beriwal, Adv.
Mr. Akshay Beriwal, Adv.
Mr. Amit Sharma, Adv.

Mr. Abhimanyu Singh, Adv.
Mr. Rajan Chaurasia, Adv.
Mr. Jagdish Trivedi, Adv.
Ms. Mrinal Gopal Elker, AOR

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

We have heard Mr. Animesh Kumar, learned counsel for the petitioner and Mr. Piyush Beriwal, learned counsel appearing for

the Union of India. We have also heard Mr. Abhimanyu Singh and Mr. Rajan Chaurasia, learned counsel appearing for the State of Madhya Pradesh.

Leave granted.

Appellant, who is a student of Law, was taken into preventive detention vide order dated 11.07.2024 passed by the District Magistrate, Betul in the State of Madhya Pradesh. It is submitted that this detention order has been extended on four occasions and as per the last extension order, appellant's preventive detention is upto 12.07.2025.

On 20.06.2025, we had issued urgent notice to the respondents. Pursuant thereto, counter affidavit has been filed on behalf of Respondent Nos. 2 to 5.

We find from the materials on record that 09 criminal antecedents, including the present criminal case, have been cited against the appellant to justify the preventive detention under Section 3(2) of the National Security Act, 1980. During the course of hearing, learned counsel for the appellant has submitted that out of the previous 08 cases, appellant has been acquitted in 05 cases. In one case, he has been convicted, but sentence is only imposition of fine. Remaining 02 cases are presently pending, in which he is on bail.

Paragraph 16 of the counter affidavit indicates that in the present criminal case, being Crime No. 236 of 2024, appellant has been granted bail on 28.01.2025. The scenario, which thus emerges, is that the appellant continues to remain in custody only by virtue of the order of preventive detention. It is averred that the

appellant is lodged in Central Jail, Bhopal.

After perusal of the first detention order dated 11.07.2024, we find that the appellant has been taken into preventive detention under Section 3(2) of the National Security Act, 1980. However, we are of the view that the reasons for which he has been taken into preventive detention does not satisfy the requirement of Sub-Section(2) of Section 3 of the National Security Act, 1980. Preventive detention of the appellant, therefore, becomes wholly untenable.

However, we intend to pass a reasoned order in this regard.

That apart, the preventive detention has also become untenable for other grounds as well, such as representation of the appellant being decided by the District Collector himself, without forwarding it to the State Government and also not taken into account the factum of appellant's detention in other criminal cases and as to why he was required to be taken into preventive detention, in spite of being detained in a regular criminal proceeding.

As indicated above, a detailed reasoned order is required.

Thus, looking into the facts and circumstances of the case, we direct that the appellant, who is presently lodged in the Central Jail at Bhopal, shall be released forthwith from custody, if not required in any other criminal case.

In view of above, the criminal appeal is disposed of.

Reasoned order will follow.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(PREETI SAXENA)
COURT MASTER