

Reserved on : 09.09.2026

Pronounced on : 22.09.2026

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

AND

THE HON'BLE MRS JUSTICE HEMA KULKARNI

WRIT PETITION (HABEAS CORPUS) NO. 100015 OF 2026

BETWEEN:

SMT. RUKMINI
W/O ARJUN NAVALE
M/O.: SHRI SANJU ARJUN NAVALE
AGED ABOUT 50 YEARS,
OCC. HOUSEWIFE,
R/O. 933, GANDHI NAGAR,
MUNDGOD - 581 349,
TALUK MUNDGOD AND
DISTRICT UTTARA KANNNADA.

...PETITIONER

(BY SRI SUHAS K. HOSAMANI AND
SRI T.R.PATIL, ADVOCATES)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRTARY TO

THE DEPARTMENT OF HOME
GOVERNMENT OF KARNATAKA,
VIDHANA SOUDHA,
BENGALURU - 560 001.

2. THE DISTRICT MAGISTRATE AND
DETAINING AUTHORITY
UTTARA KANNADA DISTRICT,
KARWAR - 581 301,
TALUK KARWAR,
DISTRICT UTTARA KANNADA.
3. THE SUPERINTENDENT OF POLICE
UTTARA KANNADA DISTRICT,
KARWAR - 581 301,
TALUK KARWAR,
DISTRICT UTTARA KANNADA.
4. THE DEPUTY SUPERINTENDENT OF POLICE
SIRSI SUB-DIVISION,
SIRSI - 581 402
TALUK SIRSI,
DISTRICT UTTARA KANNADA.
5. THE POLICE INSPECTOR
MUNDGOD POLICE STATION,
MUNDGOD - 581 349,
TALUK MUNDGOD,
DISTRICT UTTARA KANNADA.
6. THE SUPERINTENDENT
DISTRICT CENTRAL PERSION,
BALLARI,

TALUK AND DISTRICT BALLARI - 583 103.

...RESPONDENTS

(BY SRI RAKESH M. BILKI, GOVERNMENT ADVOCATE)

THIS WRIT PETITION FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, ALLOW THIS PETITION BY ISSUING A WRIT OF HABEAS CORPUS AND I. DELCARING THAT THE DETENTION OF SHRI. SANJU S/O ARJUN NAVELE BY IMPUGNED ORDER BEARING NO. DCB/MAG-1/VIVA/88/2026-27 DATED. 08.06.2026 PASSED BY RESPONDENT NO.2 VIDE ANNEXURE-A (ENGLISH VERSION) AND ANNEXURE-A1 (KANNADA VERSION) AS ILLEGAL AND VOID AB-INITIO; II. PASS SUCH OTHER ORDERS INCLUDING RELEASE OF THE DETENUE FORTHWITH; III. AWARD COSTS.

THIS WRIT PETITION (*HABEAS CORPUS*) HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 09.09.2026, COMING ON FOR PRONOUNCEMENT THIS DAY **M.NAGAPRASANNA J.**, MADE THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA
and
HON'BLE MRS JUSTICE HEMA KULKARNI

CAV ORDER

(PER: HON'BLE MR. JUSTICE M.NAGAPRASANNA)

The petitioner, mother of the detenu is before the Court calling in question the preventive detention order dated 08-06-2026 passed by the 2nd respondent against her son and seeks a writ in

the nature of habeas corpus directing release of the detenu on the grounds set out in the petition.

2. Heard Sri Suhas K.Hosamani learned counsel appearing for the petitioner and Sri Rakesh M. Bilki, learned Government Advocate appearing for respondents 1 to 6.

3. Facts, in brief, germane are as follows: -

3.1. The petitioner is the mother of the detenu. The detenu aged 24 years is alleged to be embroiled in several crimes. On 07-05-2026 the 5th respondent/ Police Inspector attached to Mundgod Police Station submits a report to the 4th respondent/Deputy Superintendent of Police which is forwarded to the Officer in hierarchy indicating that the detenu is accused in about 5 criminal cases and his alleged involvement is active in criminal activities. On 08-06-2026, based upon the said report, the Detaining Authority passed the impugned order of preventive detention of the son of the petitioner invoking power under sub-section (2) of Section 3 of the Karnataka Prevention of Dangerous

Activities of Bootleggers, Drug Offenders, Gamblers, Goondas, Immoral Traffic Offenders Slum-Grabbers and Video or Audio Pirates Act, 1985 (hereinafter referred to as 'the Act' for short). An order is passed by the State Government under Section 3(3) of the Act that the detenu has been a co-accused in commission of heinous crimes – robbery and murder and further engaged in acts of disturbing public peace and, therefore, the order of detention passed by the 2nd respondent is to be confirmed and confirmed the said order. This is also called in question as the confirmation order of the detention order.

3.2. The detenu makes a representation to the 1st respondent through the 6th respondent/Prison Superintendent on the score that his mother is ailing and he has to pay the rent for the house in which he stays and also states that he is not involved in any of criminal activities so alleged. He also further states that he has obtained orders of bail from the concerned Courts. The State rejects the plea of the detenu on the score that the detenu is a part of heinous crimes – robbery, murder and is disturbing public peace. Therefore, it was necessary for the detenu to be detained and the

matter is placed before the Advisory Board. The Advisory Board upholds the detention order of the 2nd respondent/Detaining Authority. The order of the Advisory Board is produced before us by the State in a sealed cover. The subject petition is preferred on 16-07-2026 seeking to declare the detention of the detenu as illegal.

3.3. During the subsistence of the subject petition, on 24-07-2026 as obtaining under sub-section (1) of Section 12 of the Act, the confirmation order is passed after the detention order was upheld by the Advisory Board.

4.1. The learned counsel appearing for the petitioner would vehemently contend that one of the cases which forms part of the detention order that is Crime No.10 of 2019, the detenu is convicted and thereafter his conviction in the said case is set side in appeal. The learned counsel would further contend that the detenu was granted bail in cases pending against him. The impugned order is passed in English and Kannada languages. The two are not specific in translation and thus there is variance between the orders passed. This would constitute improper communication of grounds

of detention which would render the detention bad in law. He would contend that legible copies of the documents relied upon while passing the detention order are not provided to the detenu. The Detaining Authority has failed to furnish all the documents which would form part of the detention order, which would be complaints, statement of witnesses, mahazars, seizure reports, charge sheets *inter alia*.

4.2. He would further contend that mere registration of criminal cases, filing of charge sheets or pendency of criminal proceedings cannot justify the order of detention. The impugned order was furnished to the brother of the detenu and thereafter the detenu was externed from Uttara Kannada District. On all the said submissions, the learned counsel would seek that writ of habeas corpus be granted and detenu be released from detention.

5. Per contra, the learned Government Advocate would vehemently refute the submissions and contends that the present petition is not entertainable in the light of the judgment of the coordinate Bench of this Court in the case of **HARIS PATHAN v. COMMISSIONER OF POLICE – W.P.(H.C) No.100007 of 2026**

decided on 16-04-2026 on the score that once the Advisory Board has considered and an order is passed under Section 12(1) of the Act, the petition under Habeas Corpus would not be entertainable. He would contend that the impugned order clearly discloses the conduct of the detenu and several cases registered against him would establish regular pattern of committing violent, anti-social offences including dacoity, riots, kidnapping for ransom and cold-blooded contract killing. Records indicate that due to aggressive operation of the detenu, two murders have taken place in 2026 alone and he has created fear in Mundgod Taluk. He has been involved in several crimes for the last 7 years, the moment he turned 18. The detention order and all the documents along with grounds of detention were furnished to the detenu and his family members. It is strictly in consonance with law. He would seek dismissal of the petition.

6. We have given our anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

7. Two issues arise before us based upon the said submissions and contra submissions –

- (i) Whether the documents furnished to the detenu and his family members as is necessary in law would vitiate the order of detention?
- (ii) Whether validity of the order of detention could be gone into by this Court?

Both these issues are no longer *res integra* which would require us to delve deep into the matter. We, therefore, deem it appropriate to notice the judicial landscape on both these issues for resolution of the *lis*.

REQUIREMENT OF FURNISHING OF DOCUMENTS:

8.1. The Apex Court in **JASEELA SHAJI v. UNION OF INDIA**¹ has held as follows:

“(a) As to whether the non-supply of the statement of Ms Preetha Pradeep has affected the right of the detenu to make an effective representation under Article 22(5) of the Constitution of India

23. In *M. Ahamedkutty v. Union of India* [*M. Ahamedkutty v. Union of India*, (1990) 2 SCC 1: 1990 SCC (Cri)

¹ (2024) 9 SCC 53

258] , this Court was considering the issue as to whether non-supply of the copies of the bail application and the bail order vitiated the right of the detenu under Article 22(5) of the Constitution of India. After taking the survey of the earlier judgments, this Court observed thus: (SCC pp. 12-13, paras 19-20)

"19. The next submission is that of non-supply of the bail application and the bail order. This Court, as was observed in *Mangalbhai Motiram Patel v. State of Maharashtra* [*Mangalbhai Motiram Patel v. State of Maharashtra*, (1980) 4 SCC 470: 1981 SCC (Cri) 49] has "forged" certain procedural safeguards for citizens under preventive detention. ***The constitutional imperatives in Article 22(5) are twofold: (1) The detaining authority must, as soon as may be i.e. as soon as practicable, after the detention communicate to the detenu the grounds on which the order of detention has been made, and (2) the detaining authority must afford the detenu the earliest opportunity of making the representation against the order of detention. The right is to make an effective representation and when some documents are referred to or relied on in the grounds of detention, without copies of such documents, the grounds of detention would not be complete. The detenu has, therefore, the right to be furnished with the grounds of detention along with the documents so referred to or relied on. If there is failure or even delay in furnishing those documents it would amount to denial of the right to make an effective representation.*** This has been settled by a long line of decisions : *Ramchandra A. Kamat v. Union of India* [*Ramchandra A. Kamat v. Union of India*, (1980) 2 SCC 270 : 1980 SCC (Cri) 414] , *Frances Coralie Mullin v. W.C. Khambra* [*Frances Coralie Mullin v. W.C. Khambra*, (1980) 2 SCC 275 : 1980 SCC (Cri) 419] , *Ichhu Devi Choraria v. Union of India* [*Ichhu Devi Choraria v. Union of India*, (1980) 4 SCC 531 : 1981 SCC (Cri) 25] , *Pritam Nath Hoon v. Union of India* [*Pritam Nath Hoon v. Union of India*, (1980) 4 SCC 525 : 1981 SCC (Cri) 19] , *Tushar Thakker v. Union of India* [*Tushar Thakker v. Union of India*, (1980) 4 SCC 499 : 1981 SCC (Cri) 13] , *LallubhaiJogibhai Patel v. Union of India* [*LallubhaiJogibhai Patel v. Union of India*, (1981) 2 SCC 427 : 1981 SCC (Cri) 463] , *Kirit Kumar Chaman*

Lal Kundaliya v. Union of India [Kirit Kumar Chaman Lal Kundaliya v. Union of India, (1981) 2 SCC 436 : 1981 SCC (Cri) 471] and *Ana Carelina D'Souza v. Union of India* [Ana Carelina D'Souza v. Union of India, 1981 Supp SCC 53 (1) : 1982 SCC (Cri) 131(1)] .

20. It is immaterial whether the detenu already knew about their contents or not. In *Mehrunisa v. State of Maharashtra* [*Mehrunisa v. State of Maharashtra*, (1981) 2 SCC 709: 1981 SCC (Cri) 592] it was held that the fact that the detenu was aware of the contents of the documents not furnished was immaterial and non-furnishing of the copy of the seizure list was held to be fatal. To appreciate this point one has to bear in mind that the detenu is in jail and has no access to his own documents. In *Mohd. Zakir v. State (UT of Delhi)* [*Mohd. Zakir v. State (UT of Delhi)*, (1982) 3 SCC 216: 1982 SCC (Cri) 695] it was reiterated that it being a constitutional imperative for the detaining authority to give the documents relied on and referred to in the order of detention paripassu the grounds of detention, those should be furnished at the earliest so that the detenu could make an effective representation immediately instead of waiting for the documents to be supplied with. The question of demanding the documents was wholly irrelevant and the infirmity in that regard was violative of constitutional safeguards enshrined in Article 22(5)."

(emphasis supplied)

24. It can thus be seen that this Court in *M. Ahamedkutty* [*M. Ahamedkutty v. Union of India*, (1990) 2 SCC 1 : 1990 SCC (Cri) 258] , in unequivocal terms, has held that the constitutional requirements under Article 22(5) of the Constitution of India are twofold viz. : (1) the detaining authority must, as soon as practicable, after the detention communicate to the detenu the grounds on which the order of detention has been made, and (2) the detaining authority must afford the detenu the earliest opportunity of making the representation against the order of detention. It has further been held that the right is to make an effective representation and when some documents are referred to or relied on in the grounds of detention, without copies of such documents, the grounds of detention would not be complete. In

unequivocal terms, it has been held that the detenu has the right to be furnished with the grounds of detention along with the documents so referred to or relied on. It has been held that failure or even delay in furnishing those documents would amount to denial of the right to make an effective representation.

25. This Court further went on to hold that it is immaterial whether the detenu already knew about their contents or not. This Court reiterated the position that it being a constitutional imperative for the detaining authority to give the documents relied on and referred to in the order of detention paripassu the grounds of detention. It has been held that there is no question of demanding the documents.

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28. Insofar as the reliance on the judgment of this Court in *L.M.S. Ummu Saleema* [*L.M.S. Ummu Saleema v. B.B. Gujaral*, (1981) 3 SCC 317 : 1981 SCC (Cri) 720] is concerned, the High Court relied on the following observations of this Court : (SCC p. 320, para 5)

"5. ... It is only failure to furnish copies of such documents as were relied upon by the detaining authority, making it difficult for the detenu to make an effective representation, that amounts to a violation of the fundamental rights guaranteed by Article 22(5). In our view it is unnecessary to furnish copies of documents to which casual or passing reference may be made in the course of narration of facts and which are not relied upon by the detaining authority in making the order of detention."

29. There can be no doubt that it is not necessary to furnish copies of each and every document to which a casual or passing reference may be made in the narration of facts and which are not relied upon by the detaining authority in making the order of detention. However, failure to furnish copies of such document/documents as is/are relied on by the detaining authority which would deprive the detenu to make an effective representation would certainly amount to violation of the fundamental

right guaranteed under Article 22(5) of the Constitution of India.

30. We may also gainfully refer to the following observations of this Court in *Radhakrishnan Prabhakaran* [*Radhakrishnan Prabhakaran v. State of T.N.*, (2000) 9 SCC 170: 2000 SCC (Cri) 1198]: (SCC p. 173, para 8)

"8. We may make it clear that there is no legal requirement that a copy of every document mentioned in the order shall invariably be supplied to the detenu. What is important is that copies of only such of those documents as have been relied on by the detaining authority for reaching the satisfaction that preventive detention of the detenu is necessary shall be supplied to him."

31. It could thus be seen that though this Court held that a copy of every document mentioned in the order is not required to be supplied to the detenu, copies of only such of those documents as have been relied on by the detaining authority for reaching the satisfaction that preventive detention of the detenu is necessary are required to be supplied to him.

32. In *J. Abdul Hakeem* [*J. Abdul Hakeem v. State of T.N.*, (2005) 7 SCC 70: 2005 SCC (Cri) 1601], the position was reiterated by this Court by observing thus: (SCC p. 74, para 8)

"8. ... From the aforesaid authorities it is clear that the detenu has a right to be supplied with the material documents on which reliance is placed by the detaining authority for passing the detention order but the detention order will not be vitiated, if the document although referred to in the order is not supplied which is not relied upon by the detaining authority for forming of its opinion or was made the basis for passing the order of detention. The crux of the matter lies in whether the detenu's right to make a representation against the order of detention is hampered by non-supply of the particular document."

33. In *Abdullah Kadher Batcha* [*State of T.N. v. Abdullah Kadher Batcha*, (2009) 1 SCC 333: (2009) 1 SCC (Cri) 497], again the position was reiterated by this Court thus: (SCC pp. 335-36, para 7)

"7. The court has a duty to see whether the non-supply of any document is in any way prejudicial to the case of the detenu. The High Court has not examined as to how the non-supply of the documents called for had any effect on the detenu and/or whether the non-supply was prejudicial to the detenu. Merely because copies of some documents have (sic not) been supplied, they cannot by any stretch of imagination be called as relied upon documents. While examining whether non-supply of a document would prejudice a detenu, the court has to examine whether the detenu would be deprived of making an effective representation in the absence of a document. Primarily, the copies which form the ground for detention are to be supplied and non-supply thereof would prejudice the detenu. But documents which are merely referred to for the purpose of narration of facts in that sense cannot be termed to be documents without the supply of which the detenu is prejudiced."

34. This Court reiterated that, primarily, the copies which form the ground for detention are to be supplied and non-supply thereof would prejudice the detenu. It has been further held that the documents which are merely referred to for the purpose of narration of facts in that sense cannot be termed to be documents without the supply of which the detenu is prejudiced.

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37. It is thus a settled position that though it may not be necessary to furnish copies of each and every document to which a casual or passing reference has been made, it is imperative that every such document which has been relied on by the detaining authority and which affects the right of the detenu to make an effective representation under Article 22(5) of the Constitution has to be supplied to the detenu.

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...

43. It could thus also be seen that the said Preetha Pradeep is a vital link for transactions between the said Suresh Babu and the detenu. It, therefore, cannot be said that the statements of Preetha Pradeep are just a casual or a passing reference. On the contrary, the said statements, as has been seen from the preamble of the grounds of detention as well as the beginning of Para 2 of the detention order dated 31-8-2023, formed the basis for arriving at a subjective satisfaction by the detaining authority. It is difficult to determine as to whether in the absence of the said statements of Preetha Pradeep the subjective satisfaction arrived at by the detaining authority could have been arrived at or not. However, the very recording of the factum of the statements of Preetha Pradeep make them a relevant aspect taken into consideration by the detaining authority for arriving at its subjective satisfaction.

44. Insofar as the reliance placed by the learned Senior Counsel appearing for the respondents on the provisions of Section 5-A of the COFEPOSA is concerned, no doubt that if the detention order is made on several grounds and if the said order is vitiated on one of the grounds and it can be sustained on the other grounds, the detention would not be vitiated. However, a distinction will have to be drawn between the detention order passed on various grounds and the detention order passed on one ground relying on various materials. If the detention order is passed on one ground taking into consideration 8 factual aspects, the question would be as to whether non-supply of the material containing the factual aspects relied on by the detaining authority would vitiate the detention order or not. The question, therefore, for our consideration is as to whether though the grounds of detention could be severed, whether the materials which have been relied on by the detaining authority for arriving at its subjective satisfaction could also be severed.

45. No doubt, as has been reiterated time and again by this Court, it may not be necessary to supply each and every document to which a passing or casual reference is made. However, all such material which has been relied on by the detaining authority while arriving at its subjective satisfaction will imperatively have to be supplied to the detenu.

46. In our view, the documents relied on by the detaining authority which form the basis of the material facts which have been taken into consideration to form a chain of events could not be severed and the High Court was not justified in coming to a finding that despite eschewing of certain material taken into consideration by the detaining authority, the detention order can be sustained by holding that the detaining authority would have arrived at such a subjective satisfaction even without such material.

47. In this respect, we may gainfully refer to the following observation of this Court in *A. Sowkath Ali* [*A. Sowkath Ali v. Union of India*, (2000) 7 SCC 148: 2000 SCC (Cri) 1304]: (SCC p. 163, para 27)

"27. ... Section 5-A applies where the detention is based on more than one ground, not where it is based on a single ground. Same is also the decision of this Court in the unreported decision of *Prem Prakash v. Union of India* [*Prem Prakash v. Union of India*, (2000) 7 SCC 163] decided on 7-10-1996 relying on *K. SatyanarayanSubudhi v. Union of India* [*K. SatyanarayanSubudhi v. Union of India*, 1991 Supp (2) SCC 153: 1991 SCC (Cri) 1013]. Coming back to the present case we find really it is a case of one composite ground. *The different numbers of the ground of detention are only paragraphs narrating the facts with the details of the document which is being relied on but factually, the detention order is based on one ground, which is revealed by Ground (1)(xvi) of the grounds of detention which we have already quoted hereinbefore. Thus on the facts of this case Section 5-A has no application in the present case.*"

(emphasis supplied)

48. In that view of the matter, we have come to a considered conclusion that non-supply of the statements of Preetha Pradeep has affected the right of the detenu to make an effective representation under Article 22(5) of the Constitution of India and as such, the detention is vitiated on the said ground.

The detention in the case before the Apex Court was under COFEPOSA and not under the Act. The Apex Court holds that failure to furnish copies of documents relied on by the Detaining Authority would deprive the detenu to make an effective representation which would certainly amount to violation of Article 22(5) of the Constitution of India. The Apex Court holds that the detenu has a right to be furnished with the grounds of detention along with the documents so referred. But, at the same breath holds that it may not be necessary to supply each and every document to which a passing or casual reference is made.

8.2. A Division Bench of this Court in **NANDINI V., v. STATE OF KARNATAKA**² has held as follows:

"....

15. The decisions of the Apex Court in the cases of **Kamrunnisa Badrunnisa Sithya Aysha v. Union of India** reported in **(1991) 1 SCC 128** and **Union of India v. Mohammed Ahmed Ibrahim** reported in **1993 Supp (1) SCC 405**, are authorities on the point that the illegibility of certain documents by itself will not render a detention order invalid. The extent and nature of the illegibility and its effect on the right of representation has to be considered taking note of the nature of the material as well. A co-equal Bench of this Court relying on the said judgments of the Apex Court has held

² **WP(HC) No.132 of 2025 decided on 06-04-2026**

at paragraph No.6 in **Vijaya v. Commissioner of Police and Others** reported in **2018 SCC OnLine Kar 3200** as follows:-

"6. Therefore, in view of the above said decisions cited on both the side what is relevant is that, whether the illegible portions supplied to the accused was so relevant and because of that particular portion alone the accused/detenué could not able to make proper representation before the Advisory Board or to the Government. Such explanation is conspicuously absent in this particular case. As we have seen the illegible portion in the copies, they are all bail orders passed by the competent authorities to the accused. The other grounds on which the detention order was passed relying upon the conduct of detenué with reference to the pendency of the cases against the accused which are the main grounds taken for the purpose of passing the order of detention. Further added to the above, when the detenué was produced before the Advisory Board he would have atleast made a representation with regard to non-furnishing of legible copies to him so that he was prevented from making any representation. The Advisory Board would get opportunity to deal with the matter for a period of four weeks from the date of representation by the Government to the Advisory Board. Therefore, in this context also, we find no such strong material to give a definite conclusion here that the illegible portion in the document is the only reason for the detenué not to make effective representation before the Advisory Board or to the Government. Therefore, in view of the above said facts and circumstances, we do not find any strong reasons to interfere with the detention order. Hence, the petition is devoid of merits and the same is liable to be dismissed. Accordingly, dismissed."

16. We notice that the order of detention gives the details of all the cases registered against the detenué from 2011 onwards. The first of the cases is one in which the detenué was sentenced to life imprisonment on 29.08.2013. The second case is one which has been compromised between the parties. The third, fourth and ninth cases are where the detenué has been acquitted after trial. Therefore, pending cases are fifth to eighth and tenth and eleven. Therefore, it is clear that all the cases registered against the detenué are mentioned in the order of detention. **The cases, which have**

ended in acquittal, cannot be relied on for the purpose of arriving at the subjective satisfaction that the detention is necessary. Therefore, the fact that the cases where the detainee has been acquitted are also mentioned in the order of detention and the FIRs in the said cases have also been included in the supporting documents cannot, by itself, be a reason to state that any deficiency in those materials would vitiate the order of detention. The fact that the FIR in a case where the detainee has already been acquitted is in Telugu or that the supporting document in another case, which has also ended in acquittal, is not fully legible, may not be a reason to set aside an order of detention, which is otherwise legal. The Apex Court in the case of Jaseela Shaji v. Union of India and others reported in (2024) 9 SCC 53, has also held that it is not necessary to furnish copies of each and every document to which a casual or passing reference may be made in the narration of facts and which are not relied upon by the detaining authority in making the order of detention. Therefore, we are of the opinion that the non-grant of translated version of FIR in one of the cases in which the detainee has been acquitted would not invalidate the order of detention."

The Division Bench holds that illegibility of certain documents by itself would not render a detention order invalid. The extent and nature of illegibility and its effect on the right of representation has to be considered taking note of the nature of the material as well. The fact that the detainee has been acquitted also find a mention in the order of detention and the crime in the case was also included as supporting documents cannot be a reason to state that any deficiency in those materials would vitiate the order of detention. It

is not necessary for the State to furnish each and every document to which a reference is made.

8.3. Another Division Bench of this Court long before the afore-quoted judgment, in a judgment reported in **VIJAYA v. COMMISSIONER OF POLICE**³, has held as follows:

"....

3. Though the learned counsel for the petitioner has taken up various contentions at the initial stages that the detention confirmation order was not passed by the Government within the time prescribed i.e., within 12 days from the date of detention and that no sufficient opportunity was granted for the purpose of filing his statement by the accused after furnishing of the copies to the detinue with reference to the detention order passed by the first respondent. Those grounds were given up after going through the order passed by the Government of Karnataka in HD 174 SST 2016 dated 04.12.2017 which is the authorization letter to the Commissioner of Police to exercise the powers under Section 3 (2) of the Karnataka Prevention of Dangerous Activities of Boot-leggers, Drug-Offenders, Gamblers, Goondas, Immoral Traffic Offenders, Slum-Grabbers and Video or Audio Pirates Act, 1985. Further, on perusal of the orders, the procedure that has been followed by the Commissioner in passing the detention order and sending it to the Government and confirmation order passed by the Government and then submitting the same before the Advisory Board and the Advisory Board passing the orders in accordance with law, were all within the time prescribed under the statute. Therefore, after going through the materials on record and after hearing the submission made by learned AAG, perhaps the learned counsel for the petitioner has given up the above said ground and ultimately, he canvassed before this Court that the

³ 2018 SCC OnLine Kar.3200

copies furnished to the accused were not eligible, therefore, he had no opportunity to file objections or his statement or his representation either to the Government or to the Advisory Board. It is evident from the records that the said submission was not made either before the Advisory Board at the earliest point of time for what reason he could not make any representation to the Government or to the Advisory Board. Now the said objection has been raised before this Court. In this context, he has relied upon a decision of this Court in W.P.HC. No. 212/2014 dated 01.04.2015. Similar aspect has been considered by this Court at paragraph - 7 of its order wherein it is stated that-

"it is the specific ground by the petitioner at para- 8 that, the order of detention is vitiated for the reasons that from the relied upon documents furnished to the detenu, it would reveal that the documents at page Nos. 605, 607, 610, 611, 613, 614, 616, 617, 619 and 620 are illegible and it violates the mandatory provisions of Article 22(5) of the Constitution of India and for failure to communicate the order of detention and thereby affecting the detenu's right to make meaningful representation."

4. After considering the above said grounds the Court has considered the substance in the submission made and after going through the relevant pages in the copies furnished to the judgment, the Court has come to the conclusion that, most of the pages in the copies furnished to the accused were not legible and on account of the same, detenu was not able to make proper representation before the Advisory Board to defend his case. Therefore, relying upon a decision of the Apex Court in Bhupinder Singh's case and other cases rendered by this Court, allowed the said petition on that particular ground.

5. Learned AAG countering the above said arguments also relied upon a decision passed by this Court in WPHC. No. 1/2018 vide order dated 23.02.2018 wherein similar point had again come up for consideration. This court relying upon a decision of the Apex Court reported *Kamrunnisa Badrunnisa Sithya Aysha v. Union of India* (1991) 1 SCC 128 has come to the conclusion that :

"it would not be sufficient to say that detainee was not supplied with the copies of documents in time on demand, but it must further be shown that it has impaired detainee's right to make effective and purposeful representation. He invites the attention of the Court to the observations made in paragraph 14 of the said judgment to contend that no hard and fast rule could be laid down in that behalf, but what would be essential is that detainee must show that failure to supply documents before the meeting of the Advisory Board had impaired and prejudiced his right, however slight or insignificant it may be." He also relied upon a decision rendered by this Court in WPHC. No. 96/2016 vide order dated 14.03.2017. In this case, this Court while considering the above said grounds observed that "as far as judgment regarding illegibility of certain documents are concerned what has to be noted is the extent and nature of the illegibility and its effect on the right of representation in the context of its importance or relevance in formation of subjective satisfaction for detention vide *Union of India v. Mohammed Ahmed Ibrahim* (1993 Supp (1) SCC 405).

6. Therefore, in view of the above said decisions cited on both the side what is relevant is that, whether the illegible portions supplied to the accused was so relevant and because of that particular portion alone the accused/detainee could not able to make proper representation before the Advisory Board or to the Government. Such explanation is conspicuously absent in this particular case. As we have seen the illegible portion in the copies, they are all bail orders passed by the competent authorities to the accused. The other grounds on which the detention order was passed relying upon the conduct of detainee with reference to the pendency of the cases against the accused which are the main grounds taken for the purpose of passing the order of detention. Further added to the above, when the detainee was produced before the Advisory Board he would have atleast made a representation with regard to non-furnishing of legible copies to him so that he was prevented from making any representation. The Advisory Board would get opportunity to deal with the matter for a period of four weeks from the date of representation by the Government to the Advisory Board. Therefore, in this

context also, we find no such strong material to give a definite conclusion here that the illegible portion in the document is the only reason for the detenu not to make effective representation before the Advisory Board or to the Government. Therefore, in view of the above said facts and circumstances, we do not find any strong reasons to interfere with the detention order. Hence, the petition is devoid of merits and the same is liable to be dismissed. Accordingly, dismissed."

The Division Bench holds that the detenu is required to demonstrate that illegible documents furnished to the detenu have impaired his right to make effective and purposeful representation.

9. In the light of the elucidation of law as noted *supra*, the order of detention is required to be noticed. It reads as follows:

"DETENTION ORDER

WHEREAS, under Section 3(2) of the Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-Offenders, Gamblers, Goondas, Immoral Traffic Offenders and Slum-Grabbers Act, 1985 (Karnataka Act No. 12 of 1985), read with Government Order No. HD 140 SST 2026, dated 04-03-2026, the District Superintendent of Police, Uttara Kannada District, Karwar, via formal Letter No. DCRB/UK/877/2026, dated 15-05-2026, has submitted an extensive investigation report indicating that you, Sanju, S/o Arjun Navale, age 24 years, profession welding worker, resident of Gandhi Nagar, Mundgod Taluk, Uttara Kannada District, are actively engaged in highly dangerous and anti-social goonda activities. The report contains an explicit recommendation to subject you to preventive detention to preserve the public order.

The core facts and prominent grounds highlighted in the report submitted by the District Superintendent of Police, Uttara Kannada, are as follows:

You were born on 16-07-2001. Your father's name is Arjun and mother's name is Smt. Rukmini. You are currently residing with your mother in a rented house at Gandhi Nagar, Mundgod Town.

After completing education up to the 5th Standard, you did not continue your studies and have been moving around with a group of rowdy elements, assaulting people with deadly weapons, engaging in unlawful activities, and intimidating and threatening innocent persons.

You were first involved in a robbery case at the Tibetan Camp, Mundgod, in the year 2019 and have thereafter continued to involve yourself in other criminal cases. Although you were subsequently apprehended, arrested, and produced before the competent courts in a sequence of major criminal cases, you successfully secured bail, immediately relapsed into your established criminal routines, and defiantly escalated your goonda operations.

A total of 05 heavy criminal cases are currently active against you across multiple police stations, showcasing a chronic anti-social trajectory: 01 case in 2019, 01 case in 2021, 01 case in 2023 (registered at Dharwad City Sub-Urban P.S.), 01 case in 2024, and 01 case in 2025 (at Mundgod P.S.).

Opening of Rowdy Sheet:

Your repetitive involvement in violent crimes poses a severe and multifaceted threat to the society. Over the past seven years, your direct participation in armed dacoity, riots, attempt to murder, and murder has been fully verified. You are of an aggressive temperament, and there are clear indications that at any point of time you may involve yourself in criminal offences, thereby causing breach of public peace and damage to public property.

Consequently, to monitor your dangerous movements, the Deputy Superintendent of Police, Sirsi Sub-Division, via Order No. SDPO/Sirsi/Confidential/2418/2021, dated 13-08-2021,

granted authorization to open a "Class-A" Rowdy Sheet against you at Mundgod Police Station Even though a Rowdy Sheet was opened and surveillance was maintained over your activities, you have continued your unlawful activities. (A total of 03 cases have been registered against you after the opening of the Rowdy Sheet.)

Particulars of Your Habitual Engagement in Goonda Activities:

You started participating in criminal activities when you were 17 years old. Thereafter, as you grew older, you joined hands with your associates and participated in heinous offences such as robbery, armed dacoity, brutal street brawls, extortion via kidnapping and murder, and have continued such activities.

Your continuous participation in anti-social operations has affected the public tranquility, peace, and order, causing terror in the minds of the civilian population of Mundgod Town and its surrounding rural areas.

You have been involved in cases causing disturbance to public peace and in anti-social activities which adversely affect the peace and tranquility of society. Further, you have been behaving indecently with the people of Mundgod Town and the surrounding villages, engaging in assaults, issuing criminal threats, behaving indecently with women, creating an atmosphere of fear in society, and indulging in acts which disturb law and order.

As you have repeatedly caused inconvenience and hardship to the public, several cases have been registered against you. Besides causing inconvenience to the public for your personal gain, there is also a likelihood of your activities disturbing peace and public order in the coming days. As you have continued your criminal activities, it has become necessary to take action against you under the provisions of the Karnataka Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Gamblers, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video or Audio Pirates Act, 1985 (Karnataka Act No. 12 of 1985), Section 3, read with Section 2(f)(ii) of the Prevention (Amendment) Act, 2014, and to place you under preventive detention.

Status of Criminal Cases Registered Against You:

1. Mundgod Police Station Crime No. 10/2019

Penal Provisions: Sections 395, 397, 201 of the Indian Penal Code (IPC)

On 20-01-2019 at about 11:30 PM, you, along with your associates, with an intention to commit dacoity and rob gold and cash, went near the house of the complainant Shri Janjchup Rachan S/o Tenzing and assaulted him with a sword, causing severe deep wounds on his left hand fingers. Thereafter, you took one Lhamo Youden D/o Phuntsok, who was present in the house, inside the house and tied her mouth and hands with plastic tape. You are alleged to have robbed cash amounting to Rs.7,00,000/-, seven mobile phones, gold ornaments worth Rs.4,00,000/- and a Jio internet dongle from the house. In this regard, a case was registered at Mundgod Police Station in Crime No. 10/2019 under Sections 395, 397 and 201 of IPC.

Current Status of Case: As you were a juvenile at the specific time of the offence, your case was tried separately by the Juvenile Justice Board under Case No. J.C. No. 23/2019. Vide order dated 05-01-2023, you were ordered to be institutionalized inside a Special Home at Bengaluru for a period of 02 years. Your adult co-accused accomplices were tried before the Hon'ble I Additional District and Sessions Court, Karwar (sitting at Sirsi), and vide Judgment dated 05-10-2023, were found guilty under Section 395 IPC and sentenced to 10 years of Rigorous Imprisonment along with a fine of Rs. 10,000/- each, and further sentenced to 7 years of Rigorous Imprisonment under Section 397 IPC along with a fine of Rs. 5,000/-each. You subsequently obtained regular bail from the Hon'ble High Court of Karnataka, Dharwad Bench

2. Mundgod Police Station Crime No. 98/2021

Penal Provisions: Section 302 of the Indian Penal Code (IPC)

Due to previous enmity, on 18-07-2021 at about 01:30 AM, on the road leading from Mundgod Town towards Nyaasargi Village, near Sri Ayyappa Swamy Temple, you allegedly picked a quarrel with Vijay S/o Manjunath Iliger, aged about 24 years, resident of Kambaragatti Plot, Mundgod, with an intention to commit his

murder. You provoked him into a quarrel and, while your associate Srinivas was holding Vijay from behind, you took out a knife from your pant pocket and stabbed him on the chest and slit his throat, thereby causing his death. Accordingly, a case was registered at Mundgod Police Station in Crime No.98/2021 under Section 302 IPC.

Current Status of Case: The formal police investigation revealed that you had traveled specifically to Yellapur town ahead of time to buy the murder weapon from a local shop, waiting for the perfect opportunity to attack. The final chargesheet was submitted on 02-10-2021 before the Hon'ble I Additional District and Sessions Court, Karwar (sitting at Sirsi), where the matter is actively pending trial under Sessions Case No. S.C. No. 5064/2021. Confidential intelligence reports indicate that you and your syndicate members are actively threatening the key prosecution eye-witnesses and panch witnesses to force them into turning hostile before the Hon'ble Court.

3. Mundgod Police Station Crime No. 130/2024

Penal Provisions: Section 194(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS)

On 12-07-2024 at around 15:30 hours, at the highly crowded Shivaji Circle in Mundgod Town, you along with your elder brother Manju Arjun Navale, and local rowdies Sharath Kadagol, Manjesh Harijan, Manjunath Roddamnavar, Abhishek Kadam, and others, assembled unlawfully and engaged in a violent street brawl. When Police Sub-Inspector Parashuram Mirjagi and his staff (CHC-758, CHC-1477, CPC-700, CPC-1074) rushed to stop the rioting, your gang aggressively engaged in a physical scuffle with the uniform police team, pushing and striking the officers, completely disrupting public peace and displaying open defiance of the law.

Current Status of Case: The police completed the investigation and filed a chargesheet on 29-07-2024. The case was tried under C.C. No. 190/2024 before the Hon'ble JMFC Court, Mundgod. The court found all 10 accused guilty and imposed a fine of Rs. 300/- each.

4. Mundgod Police Station Crime No. 04/2025

Penal Provisions: Sections 140(2), 140(3), 61(2), 109(1), 310(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS)

On 09-01-2025 at about 07:15 PM, in front of the MLA Model School at Mundgod Town four unknown persons aged about 25-30 years arrived in a white car and intentionally dashed against Scooter No. KA-31/EE-7668 being ridden by the complainant Mehaboobsab S/o Mohammed Ali Nandikatti and his friend Jameer Ahmed S/o Nazeer Ahmed Dargawale. After causing them to fall down, the accused threatened Jameer Ahmed with knives and forcibly took him away in their vehicle. Accordingly, a case was registered at Mundgod Police Station in Crime No.04/2025 under Sections 140(3), 351(2) read with Section 3(5) of BNS, 2023.

During investigation, the kidnapped person Jameer Ahmed was traced on 10-01-2025 and his statement was recorded. He stated that you and your associates abducted him in vehicle No. KA-23/M-8185, tied a cloth around his face, robbed him of Rs.20,000/- and his mobile phone, assaulted him and demanded Rs.60 lakh as ransom. Being subjected to physical assault and fearing for his life, he agreed to pay Rs.30 lakh. Thereafter, using a WhatsApp number, the accused made him contact his relatives Ashif Attar and Mallik Attar and instructed them to arrange the ransom amount.

After several communications, when the relatives informed that only Rs.18 lakh could be arranged instead of Rs.30 lakh, the accused agreed to accept the amount and threatened that Jameer Ahmed would be murdered if the matter was reported to the police. The relatives were instructed to hand over the money near the Kundgol Road junction on the Hubballi Bypass Road. Subsequently, after receiving the money through another group of associates, Jameer Ahmed was released near the Nelavadi Toll on the Hubballi-Gadag Bypass Road. The police tracked down the network, rescued the victim on 10-01-2025, and uncovered your central role as the mastermind behind this kidnapping plot.

Current Status of Case: A comprehensive chargesheet was submitted before the Hon'ble I Additional District and Sessions Court, Karwar (sitting at Sirsi), where the trial is actively proceeding under S.C. No. 5034/2025. Intelligence reports show

that your gang is constantly intimidating the complainant and his family to prevent them from deposing during the trial.

5. Hubli-Dharwad City, Sub-Urban Police Station Crime No. 118/2023

Penal Provisions: Sections 143, 147, 148, 120(B), 307, 302 read with Section 149 of the IPC & Section 25 of the Arms Act
This case pertains to contract killing/syndicated murder. Complainant Abbasali Kudachi's father, the deceased Mohammadsab Rehman Kudachi, had a financial dispute with prime accused Arbaz. Arbaz planned a criminal conspiracy and hired an armed group, which included you as Accused No. 7. On 25-05-2023 between 22:30 and 23:00 hours, your gang, armed with lethal weapons and firearms, stormed a house opposite Manasagangotri School on Yadwad Road, Kamalapur, Dharwad. The gang threw red chili powder directly into the victim's face to blind him. Immediately, Accused No. 2, Rehman, opened fire using a revolver, while you and other members of the gang hacked and bludgeoned Mohammadsab to death. The gang also launched a murderous assault on the victim's younger son, Hazrat, who narrowly survived with severe wounds. During the chaos, one of your own gang members, an unidentified youth aged about 25 years, was accidentally killed during the struggle.

Current Status of Case: Following an extensive inter-district investigation, your direct participation as a contract killer was established, and a chargesheet was filed. The case is currently pending active trial before the Hon'ble IV Additional District and Sessions Court, Dharwad, under S.C. No. 60/2023. Intelligence inputs confirm that your syndicate is actively intimidating the eye-witnesses in Dharwad to compromise the trial.

Details of Preventive Security Cases:

1. Mundgod Police Station P.A.R. No. 24/2024 (U/s 110(e) of the Cr.PC):

Initiated due to your violent nature and continuous public nuisance in Gandhi Nagar. It was apprehended that if left unchecked, your habitual misconduct was likely to disturb public peace, tranquillity and communal harmony. A formal security report was submitted to the Taluk Executive Magistrate,

Mundgod, who executed a formal bond for good behavior and maintaining peace for a period of six months, dated 05-02-2024. You violated this bond by entering into serious crimes within the bond period.

2. Mundgod Police Station P.A.R. No. 53/2025 (U/s 129(e) of the BNSS, 2023):

Following your continuous involvement in five distinct criminal trials and your persistent threat to public order, a secondary security report was filed. The Taluk Executive Magistrate, Mundgod, executed another peace bond for six-month duration on 19-07-2025. You breached this bond as well, showing no signs of reformation.

3. Mundgod Police Station P.A.R. No. 28/2026 (U/s 129(e) of the BNSS, 2023):

Filed recently on 27-04-2026 as your dangerous operations continued to escalate, including your intimidation of witnesses and extortion rackets. This preventive matter is currently pending active inquiry before the Executive Magistrate's court.

SUMMARY OF CRIMINAL CASES REGISTERED				
Sl. No.	Police Station, Crime No. & Penal Sections	Date of Report	Current Investigative / Trial Status	Syndicate Members & Co. Accused Accomplices
1.	Mundgod Police Station Crime No. 10/2019 U/s 395, 397, 201 IPC	20-01-2019	The detainee was tried in J.C. No. 27/2019 before the District Juvenile Bench, Karwar, and was ordered to be kept in a Special Home at Bangalore for a period of two years. The remaining accused were convicted and sentenced to 10 years Rigorous Imprisonment with a fine of ₹10,000 each, and in default, one year imprisonment. The detainee is presently on bail granted by the Hon'ble High Court of Karnataka, Dharwad Bench.	1) Vasant Kariyappa Korata 2) Manjun Arjun Navale, 3) Kiran Prakash Salunke, 4) Madhusingh Ghangamaddi Rajput.

2	Mundgod Police Station Crime No. 98/2021 U/s 302 IPC	18-07-2021	Pending trial before the Hon'ble I Additional District & Sessions Court, Sirsi under S.C. No. 5064/2021.	Shrinivas @ Siri S/o Yallappa Haveri, resident of Muddinakoppa, Shiggaon Taluk, Haveri District
3	Mundgod Police Station Crime No. 130/2024 U/s 194(2) BNS-2023	12-07-2024	Convicted under U.C. No. 190/2024 by the Hon'ble JMFC Court, Mundgod. Sentence of fine Rs.300 imposed on all. 10 accused.	1) Manju Arjun Navale, 2) Sanju Arjun Navale (Self), 3) Shrinath Nagaraj Kadagol, 4) Manjesh Daniel Harizan, 5) Manjunath Mallappa Raddannavar, and 5 others.
4	Mundgod Police Station Crime No. 04/2025 U/s 140(2), 140(3), 51(2), 109(1), 310(2), 351(2) BNS-2023	05-01-2025	Chargesheeted. Under active trial before the Hon'ble I Additional District & Sessions Court, Sirsi under S.C. No. 5034/2025.	1) Allahuddin @ Rahim, 2) Anir @ Ajay Madli, 3) Sagar Katal, 4) Hasan Kalleddar, 5) Dadapheer Bajapur, 6) Khawaja Mohiddin, 7) Umejwala Bepari, 8) Altar Bepari, 9) Rehmat Dharwad, 10) Avez Bepari, 11) Saadhar Ahmad, 12) Sadiq Walekar.
5	Dharwad City, Sub-Urban Police Station Crime No. 118/2023 U/s 143, 147, 148, 120(B), 307, 302 now 149 IPC & Sec 25 Arms Act	26-05-2024	Chargesheeted. Actively pending trial before the Hon'ble IV Additional District & Sessions Court, Dharwad under S.C. No. 609/2023.	1) Arbaz Iftak Hanchinal, 2) Allahuddin @ Rehman, 3) Ajay Fakirappa Modli, 4) Abid Nazeer Ahmed Chantarki, 5) Abid Ishaqbas Chintewali, 6) Shahid Raftq Nadeef, 7) Ganesha Shekhar Kammar, 8) Manjunath Prakash Sowant.

SUMMARY OF PREVENTIVE SECURITY PROCEEDINGS

Sl. No.	Surveilling Police Station	Preventive Report No. & Legal Provisions	Date of Execution	Current Administrative / Executed Status
1	Mundgod P.S.	P.A.R. No. 24/2024 U/s 110(e) Cr.PC	05-02-2024	Six-month good behavior bond executed by the Taluk Executive Magistrate.
2	Mundgod P.S.	P.A.R. No. 59/2025 U/s 129(e) BNS-2023	19-07-2025	Six-month power bond executed by the Taluk Executive Magistrate. Violated by relapsing into heavy crime.
3	Mundgod P.S.	P.A.R. No. 28/2026 U/s 129(e) BNS-2023	17-04-2026	Actively pending inquiry and enforcement before the Taluk Executive Magistrate, Mundgod.

Satisfaction and Grounds for Preventive Detention:

Upon comprehensive evaluation of the criminal records placed before me, it is clear that you have established a regular pattern of committing violent, anti-social offences including armed

dacoity, riots, kidnapping for ransom, and cold-blooded contract killings. You have systematically leveraged your criminal track record to intimidate the civilian population of Mundgod, ensuring that victims are terrorized into not filing complaints and that witnesses are afraid to depose truthfully during trials, thereby affecting the judicial process. Your conduct poses a threat to law and order and challenges the maintenance of a peaceful society.

The records indicates that despite being repeatedly arrested and subsequently coming out on bail under strict guidelines, you have treated judicial conditions with contempt. Immediately upon release, you have systematically reconstituted your armed gang or integrated into external inter-district syndicates continuing your criminal operations. Ordinary punitive measures under the Indian Penal Code, Bharatiya Nyaya Sanhita, or preventive bonds under the Cr.PC/BNSS have failed to restrict or reform your violent behavior.

Your background shows that you have abandoned your lawful trade of welding work and turned to professional crime as your primary occupation and livelihood. You habitually pick quarrels over trivial issues, assault members of the public, attempt to commit murder, and create an atmosphere of fear and insecurity. Even after being punished by courts, you have displayed an attitude that neither the law nor the judiciary can reform or punish you. Your presence at large has created a profound sense of insecurity and terror across Mundgod Taluk.

Records reveal that your syndicate's aggressive operations have directly caused two brutal murders within Mundgod Taluk in the current year 2026 alone. This high concentration of gang warfare has caused massive public panic, and leading print and digital media have continuously published reports highlighting the breakdown of public order. There is a strong, immediate danger that the local public, pushed by fear and anger, will stage violent counter-protests against your syndicate, triggering widespread riots and completely breaking down the district's law and order machinery.

Furthermore, if you are allowed to move freely without immediate administrative isolation, a large group of vulnerable local youths will likely adopt your lifestyle as a model, significantly increasing the size of local goonda syndicates and

creating long-term security challenges for the district. Therefore, based on the material evidence before me, I am satisfied that you are a "Goonda" within the definition of Section 2(g) of the Act, and that your immediate preventive detention is absolutely necessary to maintain public order.

NOW, THEREFORE, in exercise of the solemn statutory powers vested in me under Section 3, Subsection (2) of the Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-Offenders, Gamblers, Goondas, Immoral Traffic Offenders and Slum-Grabbers Act, 1985 (Karnataka Act No. 12 of 1985), read with Section 2(a)(II) of the Preventive Detention (Amendment) Act, 2014, and in strict accordance with the administrative powers delegated by the State Government via Notification No. HD 140 SST 2026, dated 04-03-2026, I, Smt. K. Lakshmi Priya, IAS, District Magistrate, Uttara Kannada District, Karwar, do hereby issue this order that you, Sanju, S/o Arjun Navale, be immediately arrested, taken into custody, and held under preventive detention to District Central Prison, Ballari District.

NOTICE OF STATUTORY RIGHTS AND PROCEDURES FOR THE DETENU:

1. You have a statutory right to submit a formal representation challenging this detention order. You may address your representation to the undersigned Detaining Authority, routed through the Superintendent of the Jail where you are currently lodged.
2. If you wish to submit a representation to the State Government of Karnataka against this detention order, you may formally submit it through your Prison Superintendent.
3. For your information, an Advisory Board has been duly constituted by the State Government under Section 9 of the Goonda Act.
4. Within three (3) weeks from the date of your detention, the State Government will place your detention order along with all supporting records, grounds, and materials before the Advisory Board. The Advisory Board will examine the submitted documents, verify if there are sufficient and justifiable grounds for your detention, and submit its

comprehensive report to the State Government within seven (7) weeks.

5. For your further information, if you desire to submit an appeal or grievance against the detention order directly to the Advisory Board, you have the right to submit it through the Superintendent of your current prison.
6. If you wish to appear personally before the Advisory Board to present your case and arguments face-to-face, you must submit an application through your Prison Superintendent. Upon receiving your request, necessary arrangements will be made to physically produce you before the Advisory Board on the designated date fixed by the Board.
7. If you wish to be assisted by an acquaintance, relative, or friend who can present your case before the Advisory Board on your behalf, you must submit the name of such a person to me through your Prison Superintendent. The details will subsequently be placed before the Advisory Board. You will be notified of the specific date scheduled by the Board, and your designated relative or friend must remain ready to appear before the Advisory Board on that date.
8. The acquaintance, relative, or friend representing you before the Advisory Board must not be a practicing legal professional (Advocate) and must not be your professional associate or linked to your criminal circle.

Given under my hand and the official seal of this office, this day, the 08 of June, 2026.

Case Reference ID: DCB/MAG-1/Viva-137/2026-27
Date of Matter:08-06-2026

Sd/-
(Smt. K. LAKSHMI PRIYA, IAS)
District Magistrate & Detaining Authority,
Uttara Kannada District, Karwar."

The order of detention is passed on the score that when the detenu was aged 17 years, a rowdy sheet has been open against him for involving in criminal activities and a crime in Crime No.10 of 2019 was registered for robbery. He was brought separately before the Juvenile Justice Board. In terms of the averments in the petition, the judgment of conviction has been set aside in an appeal before the Division Bench of this Court. In Crime 130 of 2024 the detenu and other accused were charged of Section 194(2) of the BNS for committing affray. In two other crimes in Crime Nos. 98 of 2021 and 118 of 2023 the offence against the detenu is one punishable under Section 302 of the IPC. Both are said to be at the stage of trial. In another crime in Crime No.4 of 2025 the petitioner is alleged of offence under Section 140 of the BNS *inter alia*, wherein a comprehensive charge sheet is filed. Therefore, the grounds of detention are provided to the detenu along with the documents that are necessary. The grounds of detention are as follows:

- The detenu is said to have established a pattern of committing violent offences such as armed dacoity, riots, kidnapping for ransom and cold-blooded contract killings;
- The detenu is said to have threatened witnesses and is not allowing them to depose in trials;

- Despite being arrested repeatedly and subsequently being released on strict conditions, the detenu is said to have violated these conditions and indulged in crimes;
- The detenu is said to have habitually picked quarrels over trivial issues, assaulted members of the public, attempted to commit murder, and created an atmosphere of fear and insecurity. The presence of the detenu in Mundgod Taluk is said to have created a profound sense of insecurity of terror;
- It is stated in the grounds of detention that the detenu and his syndicate operations have caused two murders in the year 2026.

The order of detention both in English and Kannada are the same. In Kannada it is more elaborate due to the dialect. The contention of the detenu that there is variance between the English version and the Kannada version is noted only to be rejected, as on a bare juxtaposition of the two, they reveal that they are the same.

10. Next comes the order of confirmation under Section 3(3) of the Act by the 1st respondent State. It reads as follows:

"ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿಗಳು

ವಿಷಯ: ಸಂಜು ಬಿನ್ ಅರ್ಜುನ್ ನವಲೆ, ಸಾ: ಗಾಂಧಿ ನಗರ, ತಾ: ಮುಂಡಗೋಡ, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ ಇವರ ವಿರುದ್ಧ ಗೂಂಡಾ ಕಾಯ್ದೆಯಡಿ ಹೊರಡಿಸಿರುವ ಬಂಧನ ಆದೇಶವನ್ನು ಅನುಮೋದಿಸುವ ಬಗ್ಗೆ.

ಓದಲಾಗಿದೆ: 1) ಜಿಲ್ಲಾ ದಂಡಾಧಿಕಾರಿಗಳು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಕಾರವಾರ ಇವರ ಬಂಧನ

ಆಜ್ಞೆ ಸಂಖ್ಯೆ:DCB/MAG-1/Viva/137/2026-27, ದಿ: 08.06.2026.

2) ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಕಾರವಾರ ಇವರ ಪತ್ರ

ಸಂಖ್ಯೆ:ಡಿಪಿಆರ್‌ಬಿ/ಉಕ/ಗುಂಡ/1160/2026, ದಿನಾಂಕ: 09.06.2026.

ಪ್ರಸ್ತಾವನೆ:

ಮೇಲೆ ಓದಲಾದ ಕ್ರಮ ಸಂಖ್ಯೆ (1)ರ ಆದೇಶದಲ್ಲಿ, ಸಂಜು ಬಿನ್ ಅರ್ಜುನ್ ನವಲೆ, 24 ವರ್ಷ, ಸಾ: ಗಾಂಧಿ ನಗರ, ತಾ: ಮುಂಡಗೋಡ, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ (ಪ್ರಸ್ತುತ: ಕೇಂದ್ರ ಕಾರಾಗೃಹ, ಬಳ್ಳಾರಿ ಇಲ್ಲಿ ಬಂಧನದಲ್ಲಿರುತ್ತಾರೆ) ಇವರ ವಿರುದ್ಧ ಕರ್ನಾಟಕ ಕಳ್ಳ ಭಟ್ಟಿ ವ್ಯಾಪಾರಿಗಳ, ಮಾದಕ ವಸ್ತು, ಅಪರಾಧಿಗಳ, ಜೂಜುಕೋರರ, ಗೂಂಡಾಗಳ, ಅನೈತಿಕ ವ್ಯವಹಾರ ಅಪರಾಧಿಗಳ, ಕೊಳಚೆ ಪ್ರದೇಶಗಳನ್ನು ಕಬಳಿಸುವವರ, ವಿಡಿಯೋ ಅಥವಾ ಆಡಿಯೋ ಪೈರೇಟ್ಸ್ ಚಟುವಟಿಕೆಗಳ ತಡೆ ಅಧಿನಿಯಮ, 1985ರಡಿ ಬಂಧನ ಆಜ್ಞೆಯನ್ನು ಜಿಲ್ಲಾ ದಂಡಾಧಿಕಾರಿಗಳು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಕಾರವಾರ ಇವರು ಹೊರಡಿಸಿ, ಸದರಿ ಬಂಧನ ಆಜ್ಞೆಯನ್ನು ಅನುಮೋದನೆಗಾಗಿ ಮೇಲೆ ಓದಲಾದ ಕ್ರಮ ಸಂಖ್ಯೆ (2)ರಲ್ಲಿ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಕಾರವಾರ ಇವರು ಪ್ರಸ್ತಾವನೆಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ಜಿಲ್ಲಾ ದಂಡಾಧಿಕಾರಿಗಳು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಕಾರವಾರ ಇವರು ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ, ಬಂಧಿಯು 17 ವರ್ಷ 06 ತಿಂಗಳು ವಯಸ್ಸಿನಿಂದಲೇ ಅಪರಾಧ ಚಟುವಟಿಕೆಗಳಲ್ಲಿ ಭಾಗಿಯಾಗಲು ಪ್ರಾರಂಭಿಸಿ, ನಂತರ ದಿನಗಳಲ್ಲಿ ತನ್ನ ಸಹಚರರೊಂದಿಗೆ ಸೇರಿಕೊಂಡು ದರೋಡೆ, ಕೊಲೆಯಂತಹ ಘೋರ ಅಪರಾಧ ಕೃತ್ಯಗಳಲ್ಲಿ ಭಾಗಿಯಾಗುತ್ತಾ ಸಾರ್ವಜನಿಕ ನೆಮ್ಮದಿಗೆ ಭಂಗ ತರುವಂತಹ ಪ್ರಕರಣಗಳಲ್ಲಿ ಹಾಗೂ ಸಮಾಜಘಾತಕ ಕೃತ್ಯಗಳಲ್ಲಿ ತೊಡಗಿ ಸಮಾಜದ ನೆಮ್ಮದಿಗೆ ಭಂಗವನ್ನುಂಟು ಮಾಡುವ ಕೃತ್ಯಗಳಲ್ಲಿ ತೊಡಗಿಕೊಂಡು ಮುಂಡಗೋಡ ಪಟ್ಟಣ ಹಾಗೂ ಸುತ್ತಲಿನ ಹಳ್ಳಿಗಳಲ್ಲಿನ ಜನರೊಂದಿಗೆ ಅಸಭ್ಯವಾಗಿ ವರ್ತಿಸುವುದು, ಹೊಡೆದಾಟ, ಜೀವ ಬೆದರಿಕೆ, ಹೆಣ್ಣು ಮಕ್ಕಳೊಂದಿಗೆ ಅಸಭ್ಯವಾಗಿ ವರ್ತಿಸಿ, ಸಮಾಜದಲ್ಲಿ ಭಯದ ವಾತಾವರಣ ಉಂಟು ಮಾಡಿ, ಸಾರ್ವಜನಿಕರಲ್ಲಿ ಭಯ/ಭೀತಿಯನ್ನುಂಟು ಮಾಡುವುದು, ಜಾಮೀನು ಷರತ್ತುಗಳನ್ನು ಉಲ್ಲಂಘಿಸುವ ಕೃತ್ಯಗಳಿಂದ ಸಾರ್ವಜನಿಕ ಶಾಂತಿ, ನೆಮ್ಮದಿಗೆ ಕಂಟಕಪ್ರಾಯನಾಗಿದ್ದು, ಈತನು ಭಾಗಿಯಾಗಿರುವ ಅಪರಾಧ ಪ್ರಕರಣಗಳಲ್ಲಿ ಕಾನೂನು ಕ್ರಮಕ್ಕೆಗೊಂಡಿರುವುದನ್ನು ಲೆಕ್ಕಿಸದೆ, ಜಾಮೀನು ಪಡೆದು ಬಿಡುಗಡೆಯಾದ ನಂತರ ಪುನಃ ಕಾನೂನುಬಾಹಿರ ಕೃತ್ಯಗಳನ್ನು ಮುಂದುವರೆಸಿರುವುದರಿಂದ, ಈತನ ದುಷ್ಕೃತ್ಯಗಳಿಂದ ಸಾರ್ವಜನಿಕ ಸುವ್ಯವಸ್ಥೆ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಶಾಂತಿ, ನೆಮ್ಮದಿಯು ಹಾಳಾಗುವುದನ್ನು ನಿಯಂತ್ರಿಸಿ, ನಗರದಲ್ಲಿ ಸಾರ್ವಜನಿಕ ಸುವ್ಯವಸ್ಥೆಯನ್ನು ಸುನಿಶ್ಚಿತಗೊಳಿಸಲು ಗೂಂಡಾ ಕಾಯ್ದೆ-1985ರಡಿ ದಿನಾಂಕ:08.06.2026 ರಂದು ಹೊರಡಿಸಿರುವ ಬಂಧನ ಆದೇಶವನ್ನು ಸದರಿ ಕಾಯ್ದೆಯ ಕಲಂ 3(3)ರನ್ವಯ ಸ್ಥಿರೀಕರಿಸುವಂತೆ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಕಾರವಾರ ರವರು ಕೋರಿರುತ್ತಾರೆ

ಬಂಧಿಯ ವಿರುದ್ಧ ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಕಾರವಾರ ಮುಂಡಗೋಡ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ 04 ಪ್ರಕರಣಗಳು ಹಾಗೂ ಹುಬ್ಬಳ್ಳಿ-ಧಾರವಾಡ ನಗರದ ಸಬ್ ಅರ್ಬನ್ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ 01 ಪ್ರಕರಣದಂತೆ ಈ ಕೆಳಕಂಡ ಒಟ್ಟು 05 ಅಪರಾಧ ಪ್ರಕರಣಗಳು ದಾಖಲಾಗಿರುತ್ತವೆ:-

ಕ್ರ. ಸಂ.	ವರ್ಷ	ಪೊಲೀಸ್ ಠಾಣೆ	ಮೊಕದ್ದಮೆ/ ಗುನಾಹಿ ಸಂಖ್ಯೆ	ಕಾಯ್ದೆಯ ಕಲಂ	ಹಸ್ತಾಂತರ ಹಂತ
1	2019	ಮುಂಡಗೋಡ	10/2019	395, 197, 101 ಸಂಹಿತೆ	ಪ್ರಕರಣದಲ್ಲಿ ಶಿಕ್ಷೆಯಾಗಿರುತ್ತದೆ
2	2021	ಮುಂಡಗೋಡ	56/2021	302 ಸಂಹಿತೆ	ನ್ಯಾಯಾಲಯದ ವಿಚಾರಣೆಯಲ್ಲಿರುತ್ತದೆ.
3	2024	ಮುಂಡಗೋಡ	130/2024	194(2) ಬಿ.ಎನ್.ಎಸ್. 2023	ಪ್ರಕರಣದಲ್ಲಿ ದಂಡ ವಿಧಿಸಲಾಗಿರುತ್ತದೆ
4	2024	ಮುಂಡಗೋಡ	144/2024	40(2), 140(3), 67(2), 179(1), 370(2), 371(7) ಬಿ.ಎನ್.ಎಸ್. 2023	ನ್ಯಾಯಾಲಯದ ವಿಚಾರಣೆಯಲ್ಲಿರುತ್ತದೆ.
5	2023	ಸಬ್ ಅರ್ಬನ್ ಪೊಲೀಸ್ ಠಾಣೆ- ಧಾರವಾಡ ನಗರ	118/2023	143, 147, 148, 120(ಬಿ), 107, 302 ಸಂಹಿತೆ 149 ಐ.ಪಿ.ಸಿ ಮತ್ತು 25 ಒಮ್ಮಾನ್ಯತೆ ಕಾಯ್ದೆ	ನ್ಯಾಯಾಲಯದ ವಿಚಾರಣೆಯಲ್ಲಿರುತ್ತದೆ.

ಜಿಲ್ಲಾ ದಂಡಾಧಿಕಾರಿಗಳು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಕಾರವಾರ ಇವರ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ಈ ಕೆಳಕಂಡ ಅಂಶಗಳು ಕಂಡುಬರುತ್ತವೆ:-

I. ಮೇಲ್ಕಂಡಂತೆ ಬಂಧಿಯ ವಿರುದ್ಧ ದಾಖಲಾಗಿರುವ 05 ಪ್ರಕರಣಗಳಲ್ಲಿ, 03 ಪ್ರಕರಣಗಳು ಮಾನ್ಯ ನ್ಯಾಯಾಲಯದ ವಿಚಾರಣೆ ಹಂತದಲ್ಲಿರುತ್ತವೆ. 01 ಪ್ರಕರಣದಲ್ಲಿ ಮಾನ್ಯ ನ್ಯಾಯಾಲಯವು 07 ವರ್ಷಗಳ ಕಠಿಣ ಕಾರಾಗೃಹ ಶಿಕ್ಷೆ ಹಾಗೂ ರೂ.10,000/- ಗಳ ದಂಡ ವಿಧಿಸಿರುತ್ತದೆ. ಈ ಪ್ರಕರಣದಲ್ಲಿ ಜಾಮೀನು ಪಡೆದುಕೊಳ್ಳಲಾಗಿದೆ. 01 ಪ್ರಕರಣದಲ್ಲಿ ರೂ.300/- ಗಳ ದಂಡ ವಿಧಿಸಿರುವುದು ಕಂಡುಬರುತ್ತದೆ.

II. ಬಂಧಿಯ ವಿರುದ್ಧ ಮುಂಡಗೋಡ ಮುಂಡಗೋಡ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ (1) ಪಿ.ಎ.ಆರ್. ನಂ.24/2024, ಕಲಂ. 110(ಇ), ಸಿ. ಆರ್. ಪಿ. ಸಿ (2) 53/2025, ಕಲಂ.129(ಇ) ಬಿ.ಎನ್.ಎಸ್.ಎಸ್.-2023, ಮತ್ತು (3) ಕಲಂ.129(ಇ) ಬಿ.ಎನ್.ಎಸ್.ಎಸ್.-2023 ರಡಿ 03 ಪ್ರಕರಣಗಳು ದಾಖಲಾಗಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಈ ಪ್ರಕರಣಗಳಲ್ಲಿ ಕ್ರಮ ಸಂಖ್ಯೆ: (1), (2)ರ ಪ್ರಕರಣಗಳಲ್ಲಿ ತಾಲ್ಲೂಕು ದಂಡಾಧಿಕಾರಿಗಳಿಂದ ಮುಚ್ಚಳಿಕೆ ಪಡೆದುಕೊಳ್ಳಲಾಗಿದೆ ಕ್ರಮ 0.(3). ವಿಚಾರಣೆಯಲ್ಲಿರುವುದು ಕಂಡುಬರುತ್ತದೆ.

III. ಗೊಂಡಾ ಕಾಯ್ದೆಯ ಕಲಂ.2(a)(II)ರಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ಭಾರತ ದಂಡ ಸಂಹಿತೆಯ ಅಧ್ಯಾಯ 15, 16, 17 ಹಾಗೂ ಭಾರತೀಯ ನ್ಯಾಯ ಸಂಹಿತೆ-2023ರ ಅಧ್ಯಾಯ-11, 17ರ ಅಡಿಯಲ್ಲಿ ಶಿಕ್ಷಾರ್ಹವಾದ

ಅಪರಾಧಗಳನ್ನು ರೂಢಿಗತವಾಗಿ ಮಾಡಿಕೊಂಡು ಬಂದಿರುವುದರಿಂದ 'ಗೂಂಡಾ' ಪರಿಭಾಷೆ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡುತ್ತಾರೆ.

IV. ಬಂಧಿಯ ಜನ್ಮ ದಿನಾಂಕ: 16.07.2001 ಆಗಿದ್ದು, ಬಸವನಗರ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆಯಲ್ಲಿ 2 ರಿಂದ 4ನೇ ತರಗತಿಯವರೆಗೆ ವಿದ್ಯಾಭ್ಯಾಸ ಮಾಡಿರುವುದು ಪದನೋನ್ನತ ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು, ಸರಕಾರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ, ಬಸವನಗರ, ಮುಂಡಗೋಡ ಇವರ ದಿನಾಂಕ: 06.05.2026ರ ದಾಖಲಾತಿ ದೃಢೀಕರಣ ಪತ್ರದಲ್ಲಿ ಕಂಡುಬರುತ್ತದೆ. ಈತನಿಗೆ ಕನ್ನಡ ಭಾಷೆಯಲ್ಲಿ ಹಾಗೂ ಆಡಳಿತಾತ್ಮಕ ಕಾರಣಗಳಿಂದ ಆಂಗ್ಲ ಭಾಷೆಯಲ್ಲಿಯೂ ಬಂಧನ ಆದೇಶ ಮತ್ತು ಬಂಧನದ ಕಾರಣಗಳನ್ನು ನೀಡಿರುವುದು ವರದಿಯಲ್ಲಿ ಕಂಡುಬರುತ್ತದೆ.

V. ಬಂಧಿಯು ದರೋಡೆ, ಕೊಲೆಯತ್ನ, ಕೊಲೆ, ದೊಂಬಿ ಮುಂತಾದ ಪ್ರಕರಣಗಳಲ್ಲಿ ಭಾಗಿಯಾಗುತ್ತಿದ್ದು, ಅಪರಾಧ ಹಿನ್ನೆಲೆಯನ್ನೇ ಬಂಡವಾಳ ಮಾಡಿಕೊಂಡು, ತನ್ನ ಸಹಚರರೊಂದಿಗೆ ಸೇರಿಕೊಂಡು ಅಕ್ರಮ ಕೂಟ ಕಟ್ಟಿಕೊಂಡು ಸಾರ್ವಜನಿಕರಿಗೆ ಹೆದರಿಸಿ, ಯಾವುದೇ ದೂರುಗಳು ಬಾರದಂತೆ ಹಾಗೂ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ದೂರುಗಳು ಸಾಬೀತಾಗದಂತೆ ನೋಡಿಕೊಳ್ಳುತ್ತಿದ್ದು, ಜಾಮೀನು ಷರತ್ತುಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ಪುನಃ ಅಪರಾಧ ಚಟುವಟಿಕೆಗಳಲ್ಲಿ ತೊಡಗಿಕೊಳ್ಳುತ್ತಿರುವುದು ವರದಿಯಲ್ಲಿ ಕಂಡುಬರುತ್ತದೆ.

VI. ಬಂಧಿಯ ರೌಡಿ ಚಟುವಟಿಕೆಗಳನ್ನು ನಿಯಂತ್ರಿಸಲು ಹಾಗೂ ಈತನ ಮೇಲೆ ನಿಗಾವಹಿಸಲು ಪೊಲೀಸ್ ಉಪಾಧೀಕ್ಷಕರು, ಶಿರಸಿ ಉಪ ವಿಭಾಗ, ಶಿರಸಿ ಇವರ ಕಛೇರಿ ಆದೇಶ ಸಂಖ್ಯೆ:ಎಸ್ .ಡಿ.ಪಿ.ಓ/ಶಿರಸಿ/ಗುಪ್ತ/2418/2021, ದಿನಾಂಕ: 13.08.2021 ರನ್ವಯ ಮುಂಡಗೋಡ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ 'ಎ' ರೌಡಿಪಟ್ಟಿಯನ್ನು ತೆರೆದು ನಿರ್ವಹಣೆಯನ್ನು ಮಾಡುತ್ತಿರುವುದು ಕಂಡುಬರುತ್ತದೆ.

VII. ಹೀಗೆ ಬಂಧಿಯ ವಿರುದ್ಧ ದಾಖಲಾಗಿರುವ ಪ್ರಕರಣಗಳಲ್ಲಿ, ರೌಡಿ ಹಾಳೆಯನ್ನು ತೆರೆದು ನಿಗಾವಹಿಸಲಾಗಿದ್ದರೂ ಮತ್ತು ದಸ್ತಗಿರಿ ಮಾಡಿ ನ್ಯಾಯಾಲಯ ಬಂಧನಕ್ಕೆ ಒಳಪಡಿಸಿದ್ದರೂ ಸಹ, ತನ್ನ ಜೀವನ ಶೈಲಿಯಲ್ಲಿ ಯಾವುದೇ ಬದಲಾವಣೆ ತಂದುಕೊಳ್ಳದೆ, ಬಂಧಿಗೆ ನೀಡಿದ ಜಾಮೀನು ಷರತ್ತುಗಳನ್ನು ಮತ್ತು ಉತ್ತಮ ರೀತಿಯಲ್ಲಿ ಬದುಕಲು ನೀಡಿರುವ ಅವಕಾಶಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ, ನಿರಂತರವಾಗಿ ಮಾನ್ಯ ನ್ಯಾಯಾಲಯದ ವಿಚಾರಣೆಗಳಿಗೆ ಹಾಜರಾಗದೇ, ಅಪರಾಧ ಚಟುವಟಿಕೆಗಳಲ್ಲಿ ತೊಡಗಿಕೊಂಡು ಸಮಾಜದ ಸ್ವಾಸ್ಥ್ಯವನ್ನು ಹಾಳು ಮಾಡುವ ಪ್ರವೃತ್ತಿಯ ಅಪರಾಧ ಕೃತ್ಯಗಳನ್ನು ಮುಂದುವರಿಸಿ, ಸಾರ್ವಜನಿಕ ಸುವ್ಯವಸ್ಥೆ (Public Order)ಗೆ ಮಾರಕವಾಗಿರುವುದರಿಂದ, ಬಂಧಿಯನ್ನು ಗೂಂಡಾಕಾಯ್ದೆಯನ್ವಯ ಬಂಧನದಲ್ಲಿರುವುದು ಅತ್ಯಾವಶ್ಯಕವಾಗಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.

VIII. ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಸುತ್ತಮುತ್ತಲಿನ ಹಳ್ಳಿಗಳ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಹಾಗೂ ಹುಬ್ಬಳ್ಳಿ-ಧಾರವಾಡ ನಗರ ಸಬ್ ಅರ್ಬನ್ ಠಾಣಾ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಸಾರ್ವಜನಿಕ ಸುವ್ಯವಸ್ಥೆಯನ್ನು ಸುನಿಶ್ಚಿತಗೊಳಿಸುವುದು ಅತ್ಯಗತ್ಯವಾಗಿದ್ದು, ಸದರಿ ಬಂಧಿಯನ್ನು ಪ್ರತಿಬಂಧಕ ಬಂಧನದಲ್ಲಿಟ್ಟಿರುವುದು ಸಮಂಜಸವಾಗಿದೆ.

ಮೇಲ್ಕಂಡ ಕಾರಣಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಸಾರ್ವಜನಿಕ ಸುವ್ಯವಸ್ಥೆಯನ್ನು ಕಾಪಾಡುವ ದೃಷ್ಟಿಯಿಂದ, ಸಂಜು ಬಿನ್ ಅರ್ಜುನ್ ನವಲೆ, ಸಾ: ಗಾಂಧಿ ನಗರ, ತಾ: ಮುಂಡಗೋಡ, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ ಇವರನ್ನು ಪ್ರತಿಬಂಧಕವಾಗಿ ಬಂಧನದಲ್ಲಿಡುವುದು ಅವಶ್ಯಕವಾಗಿರುವುದರಿಂದ, ಸದರಿಯವರ ವಿರುದ್ಧ ಕರ್ನಾಟಕ ಅಕ್ರಮ ಭಟ್ಟಿ ಸರಾಯಿ ವ್ಯವಹಾರ, ಔಷಧಾಪರಾಧ, ಜೂಜುಕೋರ, ಗೂಂಡಾ, ಅನೈತಿಕ ವ್ಯವಹಾರಗಳ ಅಪರಾಧ ಕೊಳಚೆ ಪ್ರದೇಶಗಳನ್ನು ಅಕ್ರಮವಾಗಿ ಆಕ್ರಮಿಸಿಕೊಳ್ಳುವ, ವಿಡಿಯೋ ಅಥವಾ ಆಡಿಯೋ ಪೈರೇಟ್ಸ್ ಚಟುವಟಿಕೆಗಳ ತಡೆ ಅಧಿನಿಯಮ, 1985ರ (1985ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 12) ಕಲಂ 3 ಉಪ ಕಲಂ (1) & (2) ರನ್ವಯ ಜಿಲ್ಲಾ, ದಂಡಾಧಿಕಾರಿಗಳು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಕಾರವಾರ ಇವರು ಹೊರಡಿಸಿರುವ ದಿನಾಂಕ: 08.06.2026ರ ಬಂಧನ ಆದೇಶವನ್ನು ಸದರಿ ಅಧಿನಿಯಮದ ಕಲಂ 3(3)ರನ್ವಯ ಅನುಮೋದಿಸುವುದು ಸೂಕ್ತವೆಂದು ಸರ್ಕಾರವು ತೀರ್ಮಾನಿಸಿದೆ. ಆದ್ದರಿಂದ ಈ ಕೆಳಕಂಡ ಆದೇಶ.

ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಹೆಚ್‌ಡಿ 323 ಎಸ್‌ಎಸ್‌ಟಿ 2026, ಬೆಂಗಳೂರು,

ದಿನಾಂಕ : 18.06.2026

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಅಂಶಗಳಿಂದ ಮತ್ತು ಕರ್ನಾಟಕ ಕಳ್ಳ ಭಟ್ಟಿ, ವ್ಯಾಪಾರಿಗಳ, ಮಾದಕ ವಸ್ತು ಅಪರಾಧಿಗಳ, ಜೂಜುಕೋರರ, ಗೂಂಡಾಗಳ, ಅನೈತಿಕ ವ್ಯವಹಾರ ಅಪರಾಧಿಗಳ, ಕೊಳಚೆ ಪ್ರದೇಶಗಳನ್ನು ಕಬಳಿಸುವವರ, ವಿಡಿಯೋ ಅಥವಾ ಆಡಿಯೋ ಪೈರೇಟ್ಸ್ ಚಟುವಟಿಕೆಗಳ ತಡೆ ಅಧಿನಿಯಮ, 1985ರ (1985ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 12) ಕಲಂ 3(3)ರಡಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸಿ, ಸರ್ಕಾರವು ಸದರಿ ಅಧಿನಿಯಮದ ಕಲಂ 3ರ ಉಪ ಕಲಂ (1) & (2)ರಡಿಯಲ್ಲಿ, ಸಂಜು ಬಿನ್ ಅರ್ಜುನ್ ನವಲೆ, 24 ವರ್ಷ, ಸಾ: ಗಾಂಧಿ ನಗರ, ತಾ: ಮುಂಡಗೋಡ, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ ಇವರ ವಿರುದ್ಧ, ಜಿಲ್ಲಾ ದಂಡಾಧಿಕಾರಿಗಳು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಕಾರವಾರ ಇವರು ಹೊರಡಿಸಿರುವ ಬಂಧನ ಆಜ್ಞೆ ಸಂಖ್ಯೆ:DCB/MAG-1/Niva/137/2026-27, ದಿನಾಂಕ: 08.06.2026ನ್ನು ಅನುಮೋದಿಸಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ

ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಸಹಿ/-

(ನಾಗರಾಜು ಎಸ್.)

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ

ಒಳಾಡಳಿತ ಇಲಾಖೆ (ಕಾನೂನು & ಸುವ್ಯವಸ್ಥೆ)"

Based upon the aforesaid detention, the detenu has made a representation to the 1st respondent/State. The State rejects the same on 06-07-2026. The order of rejection reads as follows:

"ಕರ್ನಾಟಕ ಸರ್ಕಾರ"

ಸಂಖ್ಯೆ:ಹೆಚ್‌ಡಿ 323 ಎಸ್‌ಎಸ್‌ಟಿ 2026

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸಚಿವಾಲಯ,
ವಿಧಾನ ಸೌಧ, ಡಾ.ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀಧಿ,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 06.07.2026

ಹಿಂಬರಹ

ವಿಷಯ: ದಿನಾಂಕ:23.06.2026 ರಂದು ಗೌ: ಅಧೀಕ್ಷಕರು, ಗುಂಡಾ ಕಾಯ್ದೆ ಸಲಹಾ ಮಂಡಳಿ, ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯ, ಬೆಂಗಳೂರು ಇವರನ್ನು ವಿಳಾಸಿಸಿ ಸಲ್ಲಿಸಿರುವ ನಿಮ್ಮ ಮನವಿ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: 1) ಜಿಲ್ಲಾ ದಂಡಾಧಿಕಾರಿಗಳು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಕಾರವಾರ ಇವರ ಬಂಧನ ಆಜ್ಞೆ ಸಂಖ್ಯೆ::DCB/MAG-1/Viva/137/2026-27, ದಿನಾಂಕ:08.06.2026.

2) ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಕಾರವಾರ ಇವರ ಪತ್ರ ಸಂಖ್ಯೆ:ಡಿಸಿಆರ್‌ಬಿ/ಉಕ/ಗುಂಡ/1160/2026, ದಿನಾಂಕ: 09.06.2026.

3) ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಹೆಚ್‌ಡಿ 323 ಎಸ್‌ಎಸ್‌ಟಿ 2026, ದಿನಾಂಕ: 18.06.2026.

4) ಅಧೀಕ್ಷಕರು(ಪು), ಕೇಂದ್ರ ಕಾರಾಗೃಹ, ಬಳ್ಳಾರಿ ಇವರ ಪತ್ರ ಸಂಖ್ಯೆ:ಕೇಕಾಬ/ಗೂವಿ/2791/2026, ದಿನಾಂಕ:23.06.2026, ಇವರ ಮೂಲಕ ಸಲ್ಲಿಸಿರುವ ಮನವಿ.

5) ಸರ್ಕಾರದ ಅ.ಸ. ಪತ್ರ ಸಂಖ್ಯೆ: ಹೆಚ್‌ಡಿ 323 ಎಸ್‌ಎಸ್‌ಟಿ 2026, ದಿನಾಂಕ:24.06.2026.

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ಜಿಲ್ಲಾ ದಂಡಾಧಿಕಾರಿಗಳು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಕಾರವಾರ ಇವರು ಉಲ್ಲೇಖ(1)ರಲ್ಲಿ ನಿಮ್ಮ ವಿರುದ್ಧ ಗೂಂಡಾ ಕಾಯ್ದೆಯಡಿ ಬಂಧನ ಆದೇಶವನ್ನು ಹೊರಡಿಸಿ, ಉಲ್ಲೇಖ(2)ರ ಮೂಲಕ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ ಕಾರವಾರ ಇವರು ಅನುಮೋದನೆಗಾಗಿ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಬಂಧನ ಆಜ್ಞೆಯನ್ನು ಸರ್ಕಾರವು ಉಲ್ಲೇಖ(3)ರ ಆದೇಶದಲ್ಲಿ ಅನುಮೋದಿಸಿರುತ್ತದೆ.

ಗೌ: ಅಧ್ಯಕ್ಷರು, ಗೂಂಡಾ ಕಾಯ್ದೆ ಸಲಹಾ ಮಂಡಳಿ, ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯ, ಬೆಂಗಳೂರು ಇವರನ್ನು ವಿಳಾಸಿಸಿ ಉಲ್ಲೇಖ(4)ರಲ್ಲಿ ನೀವು ಸಲ್ಲಿಸಿರುವ ದಿನಾಂಕ:23.06.2026ರ ಮನವಿಯು ಈ ಕಛೇರಿಗೆ ಮುಖ್ಯ ಅಧೀಕ್ಷಕರಿಂದ ಇ-ಮೇಲ್ ಮೂಲಕ ಸ್ವೀಕೃತವಾಗಿರುತ್ತದೆ. ನಿಮ್ಮ ವಿರುದ್ಧ ಹೊರಡಿಸಿರುವ ಗೂಂಡಾ ಪ್ರಸ್ತಾವನೆಯು ಸಲಹಾ ಮಂಡಳಿಯ ಮುಂದೆ ಇರುವುದರಿಂದ, ಉಲ್ಲೇಖ(5)ರಲ್ಲಿ ಸದರಿ ಮನವಿಯನ್ನು ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ ಗೌರವಾನ್ವಿತ ನ್ಯಾಯಾಧೀಶರು, ಮಾನ್ಯ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯ ಮತ್ತು ಸಲಹಾ ಮಂಡಳಿಯ ಅಧ್ಯಕ್ಷರು ಹಾಗೂ ಮಾನ ಸದಸ್ಯರುಗಳು, ಬೆಂಗಳೂರು ಇವರುಗಳಿಗೆ ಕಳುಹಿಸಲಾಗಿರುತ್ತದೆ. ಮುಂದುವರೆದು, ಮನವಿಯಲ್ಲಿ ಈ ಕೆಳಕಂಡಂತೆ ಪ್ರಸ್ತಾವಿಸಿರುತ್ತೀರಿ;

“ನಾನು ಜಿಲ್ಲಾ ದಂಡಾಧಿಕಾರಿಗಳು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಕಾರವಾರ ರವರ ಆದೇಶದಂತೆ 'ಪ್ರಸ್ತುತ ಬಳ್ಳಾರಿ ಕೇಂದ್ರ ಕಾರಾಗೃಹದಲ್ಲಿ ಬಂಧನದಲ್ಲಿರುತ್ತೇನೆ. ನಾನು ಸಾ: ಗಾಂಧಿನಗರ, ತಾ: ಮುಂಡಗೋಡ, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ ವೆಲ್ಡಿಂಗ್ ಕೂಲಿ ಮಾಡಿಕೊಂಡಿರುತ್ತೇನೆ. ನನಗೆ ತಂದೆ ಇರುವುದಿಲ್ಲ. ನನಗೆ ತಾಯಿ ಇರುತ್ತಾರೆ. ತಾಯಿಗೆ ಅನಾರೋಗ್ಯದಲ್ಲಿದ್ದು, ಶುಗರ್ ಪೇಶೆಂಟ್ ಆಗಿದ್ದು ಟ್ರೇಟ್ ಮೆಂಟ್ ಗಾಗಿ ಮೈಕ್ರೋ ಫೈನಾನ್ಸ್‌ನಲ್ಲಿ (ಸಂಘ) 2 ರಲ್ಲಿ ಲೋನ್ ತೆಗೆದುಕೊಂಡಿರುತ್ತೇನೆ. ಲೋನ್ ಕಟ್ಟಲು, ಬಾಡಿಗೆ ಮನೆಯಲ್ಲಿದ್ದು ಬಾಡಿಗೆ ಕಟ್ಟಲು ತುಂಬಾ ತೊಂದರೆಯಾಗಿರುತ್ತದೆ. ನನ್ನ ಬಂಧನ ಆದೇಶದಲ್ಲಿ ಹಲವು ಪ್ರಕರಣಗಳು ದಾಖಲಾಗಿರುವ ಬಗ್ಗೆ ಉಲ್ಲೇಖವಾಗಿರುತ್ತದೆ. ಎಲ್ಲಾ ಪ್ರಕರಣಗಳಲ್ಲೂ ಗೌ|| ನ್ಯಾಯಾಲಯದಿಂದ ಜಾಮೀನು ಪಡೆದಿರುತ್ತೇನೆ. ನ್ಯಾಯಾಲಯ ಹಾಗೂ ಕಾನೂನು ಕಾಪಾಡುವ ಸಂಸ್ಥೆಗಳಿಗೆ ಗೌರವ ಕೊಟ್ಟಿರುತ್ತೇನೆ. ಮುಂದುವರೆದು ಯಾವುದೇ ಪ್ರಚೋದನೆ ಹಾಗೂ ಸಮಾಜ ಘಾತಕ ಚಟುವಟಿಕೆಗಳಲ್ಲಿ ಭಾಗಿಯಾಗಿರುವುದಿಲ್ಲ. ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಬಂಧನ ಆದೇಶವನ್ನು ರದ್ದುಪಡಿಸಿ ಬಿಡುಗಡೆ ಆದೇಶ ನೀಡಬೇಕೆಂದು ಇತ್ಯಾದಿಯಾಗಿ ಕೋರಿರುತ್ತೀರಿ.”

ಮೇಲ್ಕಂಡಂತೆ ಸಲ್ಲಿಸಿರುವ ನಿಮ್ಮ ಮನವಿಯನ್ನು ಉಲ್ಲೇಖ(1) ಮತ್ತು (2) ರವರ ಪ್ರಸ್ತಾವನೆಯೊಂದಿಗೆ ಪರಿಶೀಲಿಸಿದಾಗ, ನೀವು 17 ವರ್ಷ 06 ತಿಂಗಳು ವಯಸ್ಸಿನಿಂದಲೇ ಅಪರಾಧ ಚಟುವಟಿಕೆಗಳಲ್ಲಿ ಭಾಗಿಯಾಗಲು ಪ್ರಾರಂಭಿಸಿ, ನಂತರ ದಿನಗಳಲ್ಲಿ ನಿಮ್ಮ ಸಹಚರರೊಂದಿಗೆ ಸೇರಿಕೊಂಡು ದರೋಡೆ, ಕೊಲೆಯಂತಹ ಘೋರ ಅಪರಾಧ ಕೃತ್ಯಗಳಲ್ಲಿ ಭಾಗಿಯಾಗುತ್ತಾ ಸಾರ್ವಜನಿಕ ನೆಮ್ಮದಿಗೆ ಭಂಗ ತರುವಂತಹ ಪ್ರಕರಣಗಳಲ್ಲಿ ಹಾಗೂ ಸಮಾಜಘಾತಕ ಕೃತ್ಯಗಳಲ್ಲಿ ತೊಡಗಿ ಸಮಾಜದ ನೆಮ್ಮದಿಗೆ ಭಂಗವನ್ನುಂಟು ಮಾಡುವ ಕೃತ್ಯಗಳಲ್ಲಿ ತೊಡಗಿಕೊಂಡು ಮುಂಡಗೋಡ ಪಟ್ಟಣ ಹಾಗೂ ಸುತ್ತಲಿನ ಹಳ್ಳಿಗಳಲ್ಲಿನ ಜನರೊಂದಿಗೆ ಅಸಭ್ಯವಾಗಿ ವರ್ತಿಸುವುದು, ಹೊಡೆದಾಟ, ಜೀವ ಬೆದರಿಕೆ, ಹೆಣ್ಣು ಮಕ್ಕಳೊಂದಿಗೆ

ಅಸಭ್ಯವಾಗಿ ವರ್ತಿಸಿ, ಸಮಾಜದಲ್ಲಿ ಭಯದ ವಾತಾವರಣ ಉಂಟು ಮಾಡಿ, ಸಾರ್ವಜನಿಕರಲ್ಲಿ ಭಯ/ಭೀತಿಯನ್ನುಂಟು ಮಾಡುವುದು, ಜಾಮೀನು ಷರತ್ತುಗಳನ್ನು ಉಲ್ಲಂಘಿಸುವ ಕೃತ್ಯಗಳಿಂದ ಸಾರ್ವಜನಿಕ ಶಾಂತಿ, ನೆಮ್ಮದಿಗೆ ಕಂಟಕಪ್ರಾಯನಾಗಿದ್ದು, ನೀವು ಭಾಗಿಯಾಗಿರುವ ಅಪರಾಧ ಪ್ರಕರಣಗಳಲ್ಲಿ ಕಾನೂನು ಕ್ರಮಕೈಗೊಂಡಿರುವುದನ್ನು ಲೆಕ್ಕಿಸದೆ, ಜಾಮೀನು ಪಡೆದು ಬಿಡುಗಡೆಯಾದ ನಂತರ ಪುನಃ ಕಾನೂನುಬಾಹಿರ ಕೃತ್ಯಗಳನ್ನು ಮುಂದುವರೆಸಿರುವುದರಿಂದ, ನಿಮ್ಮ ದುಷ್ಕೃತ್ಯಗಳಿಂದ ಸಾರ್ವಜನಿಕ ಸುವ್ಯವಸ್ಥೆ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಶಾಂತಿ, ನೆಮ್ಮದಿಯು ಹಾಳಾಗುವುದನ್ನು ನಿಯಂತ್ರಿಸಿ, ನಗರದಲ್ಲಿ ಸಾರ್ವಜನಿಕ ಸುವ್ಯವಸ್ಥೆಯನ್ನು ಸುನಿಶ್ಚಿತಗೊಳಿಸಲು ಗೊಂಡಾ ಕಾಯ್ದೆ-1985ರಡಿ ಬಂಧನ ಆದೇಶ ಹೊರಡಿಸಿರುವುದು ಕಂಡುಬರುತ್ತದೆ.

ನಿಮ್ಮ ವಿರುದ್ಧ ದಾಖಲಾಗಿರುವ ಪ್ರಕರಣಗಳಲ್ಲಿ, ರೌಡಿ ಹಾಳೆಯನ್ನು ತೆರೆದು ನಿಗಾವಹಿಸಲಾಗಿದ್ದರೂ ಮತ್ತು ದಸ್ತಗಿರಿ ಮಾಡಿ ನ್ಯಾಯಾಲಯ ಬಂಧನಕ್ಕೆ ಒಳಪಡಿಸಿದ್ದರೂ ಸಹ, ನಿಮ್ಮ ಜೀವನ ಶೈಲಿಯಲ್ಲಿ ಯಾವುದೇ ಬದಲಾವಣೆ ತಂದುಕೊಳ್ಳದೆ, ನಿಮಗೆ ನೀಡಿದ ಜಾಮೀನು ಷರತ್ತುಗಳನ್ನು ಮತ್ತು ಉತ್ತಮ ರೀತಿಯಲ್ಲಿ ಬದುಕಲು ನೀಡಿರುವ ಅವಕಾಶಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ಮಾನ್ಯ ನ್ಯಾಯಾಲಯದ ವಿಚಾರಣೆಗಳಿಗೆ ಹಾಜರಾಗದೇ, ಅಪರಾಧ ಚಟುವಟಿಕೆಗಳಲ್ಲಿ ತೊಡಗಿಕೊಂಡು ಸಮಾಜದ ಸ್ವಾಸ್ಥ್ಯವನ್ನು ಹಾಳು ಮಾಡುವ ಪ್ರವೃತ್ತಿಯ ಅಪರಾಧ ಕೃತ್ಯಗಳನ್ನು ಮುಂದುವರೆಸಿ, ಸಾರ್ವಜನಿಕ ಸುವ್ಯವಸ್ಥೆ (Public Order)ಗೆ ಮಾರಕವಾಗಿರುವುದು ಕಂಡುಬರುತ್ತದೆ.

ನಿಮ್ಮ ಮನವಿಯಲ್ಲಿ ನಿಮ್ಮ ವಿರುದ್ಧ ದಾಖಲಾಗಿರುವ ಆರೋಪಗಳನ್ನು ಅಲ್ಲಗಳೆಯುವಂತಹ ಯಾವುದೇ ಪೂರಕವಾದ ಅಂಶಗಳು ಕಂಡುಬರುವುದಿಲ್ಲ, ಕೇವಲ ಕೌಟುಂಬಿಕ ವಿಷಯಗಳು ಹಾಗೂ ನಿಮ್ಮ ವಿರುದ್ಧ ದಾಖಲಾಗಿರುವ ಪ್ರಕರಣಗಳು ಸುಳ್ಳು, ಪ್ರಕರಣಗಳೆಂದು ಔಪಚಾರಿಕವಾಗಿ ಪ್ರಸ್ತಾಪಿಸಿದ್ದು, ಈ ಎಲ್ಲಾ ಅಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿ, ಮುಖ್ಯ ಅಧೀಕ್ಷಕರು, ಕೇಂದ್ರ ಕಾರಾಗೃಹ, ಬಳ್ಳಾರಿ ಇವರ ಮೂಲಕ ಉಲ್ಲೇಖ(4)ರಲ್ಲಿ ಸಲ್ಲಿಸಿರುವ ನಿಮ್ಮ ಮನವಿಯನ್ನು ಸರ್ಕಾರವು ತಿರಸ್ಕರಿಸಿದೆ.

ಸಹಿ/-

(ನಾಗರಾಜು ಎಸ್.)

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ

ಒಳಾಡಳಿತ ಇಲಾಖೆ (ಕಾನೂನು & ಸುವ್ಯವಸ್ಥೆ)"

The matter is then placed before the Advisory Board. The order of the Advisory Board is placed before us. We have perused the same and do not find any ground or documents missing as contended. The confirmation order under sub-section (1) of Section 12 is

passed on 24-07-2026. This is also found in the sealed cover. This is by the Committee of the High Court. No where no lacuna in following the Act in passing the order of detention or otherwise is seen by us. Therefore, the contention that documents were short furnished is a contention that is noted only to be rejected.

11. The judicial review on the validity of the detention order has its limitation. These are elucidated by the Apex in **AMEENA BEGUM v. STATE OF TELANGANA**⁴, where the Apex Court lays down guidelines for examination of the detention order in the following paragraphs:

"....

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*

⁴ **(2023) 9 SCC 587**

circumstances and the same is not based 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.*

....

59. We are of the opinion that the aforesaid excerpts from the detention order lay bare the Commissioner's attempt to transgress his jurisdiction and to pass an order of detention, which cannot be construed as an order validly made under the Act. The quoted observations are reflective of the intention to detain the detenu at any cost without resorting to due procedure. It is neither the case of the respondents that the detenu had not complied with the terms of the notice issued under Section 41-ACrPC, nor has it been alleged that the conditions of bail had been violated by the detenu. **It is pertinent to note that in the three criminal proceedings where the detenu had been released on bail, no applications for cancellation of bail had been moved by the State. In the light of the same, the provisions of the Act, which is an extraordinary statute, should not have been resorted to when ordinary criminal law provided sufficient means to address the apprehensions leading to the impugned detention order. There may have existed sufficient grounds to appeal against the bail orders, but the circumstances did not warrant the circumvention of ordinary criminal procedure to resort to an extraordinary measure of the law of preventive detention.**

60. In *Vijay Narain Singh v. State of Bihar* [*Vijay Narain Singh v. State of Bihar*, (1984) 3 SCC 14 : 1984 SCC (Cri) 361] , Hon'ble E.S. Venkataramiah, J. (as the Chief Justice then was) observed : (SCC pp. 35-36, para 32)

32. ... It is well settled that the law of preventive detention is a hard law and therefore it should be strictly construed. *Care should be taken that the liberty of a person is not jeopardised unless his case falls squarely within the four corners of the relevant law.* The law of preventive detention should not be used merely to clip the wings of an accused who is involved in a criminal prosecution. It is not intended for the purpose of keeping a man under detention when under ordinary criminal law it may not be possible to resist the issue of orders of bail, unless the material available is such as would satisfy the requirements of the legal provisions authorising such detention. ***When a person is enlarged on bail by a competent criminal court,***

great caution should be exercised in scrutinising the validity of an order of preventive detention which is based on the very same charge which is to be tried by the criminal court."

(emphasis supplied)

61. Resonance of these principles is traceable in *Banka Sneha Sheela v. State of Telangana* [*Banka Sneha Sheela v. State of Telangana*, (2021) 9 SCC 415 : (2021) 3 SCC (Cri) 446] . There, while examining an order of detention passed with reference to 5 (five) offences involving Sections 420, 406 and 506IPC, in respect whereof the detenu had obtained orders of bail/anticipatory bail, this Court had the occasion to say that : (SCC p. 427, para 15)

"15. ... A close reading of the detention order would make it clear that the reason for the said Order is not any apprehension of widespread public harm, danger or alarm but is only because the detenu was successful in obtaining anticipatory bail/bail from the Courts in each of the five FIRs. If a person is granted anticipatory bail/bail wrongly, there are well-known remedies in the ordinary law to take care of the situation. The State can always appeal against the bail order granted and/or apply for cancellation of bail. ***The mere successful obtaining of anticipatory bail/bail orders being the real ground for detaining the detenu, there can be no doubt that the harm, danger or alarm or feeling of insecurity among the general public spoken of in Section 2(a) of the Telangana Prevention of Dangerous Activities Act is make-believe and totally absent in the facts of the present case."***

(emphasis supplied)"

The Apex Court holds that preventive detention cannot be resorted to when ordinary criminal law provided sufficient means to address the apprehensions leading to the detention order. The State had not raised any contention on the violation of conditions of bail in

AMEENA BEGUM *supra*. It is trite law that preventive detention cannot circumvent the grant of bail. However, a perusal at the orders of detention and confirmation and the order of the Advisory Board would indicate that the detenu has been involved in heinous criminal activities and commission of offences such as murder after bail was granted to him. What would now require consideration is, whether the order of detention warrants judicial review. In this regard, it becomes apposite to refer to the judgment of the coordinate Bench, in **ABDUL RASHEED ASSADI v. STATE OF KARNATAKA**⁵, wherein referring to the guidelines in **AMEENA BEGUM** by the Apex Court, it has held as follows:

"....

8. The Hon'ble Supreme Court in the case of *Ameena Begum v. State of Telangana*¹ has 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*

⁵ **2025 SCC OnLine Kar. 27690**

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 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.*

9. Keeping in mind the above legal position and the enunciation of law laid down by the Hon'ble Supreme Court referred *supra*, it would be useful to extract the relevant dates and events for the purpose of examining the compliance of mandate of law as follows:

- (a) The respondent No. 2 has passed the order of detention along with the grounds of detention on 26.07.2024.
- (b) The order of detention and the grounds of detention were served on the detainee on 26.07.2024 which is evident from the original order of detention available in the file.
- (c) The detainee has submitted written representation dated 28.07.2024 through the Superintendent, Central Prison, Kalaburagi.
- (d) The representation of the detainee was forwarded by the Superintendent, Central Prison, Kalaburagi to the Advisory Board on 28.07.2024.
- (e) On 03.08.2024, the State Government considered the representation submitted by the detainee and rejected the same by issuing endorsement.
- (f) On 03.08.2024, the State Government approved the order of detention of the respondent No. 2.
- (g) On 04.08.2024, the detainee was informed about the rejection of his representation.
- (h) The order of detention, grounds of detention along with the approval of the State Government and the

records were placed before the Advisory Board on 05.08.2024.

- (i) The Advisory Board fixed a meeting on 20.08.2024. On the said day, the detainee was produced before the Advisory Board through video conference from the Central Prison, Kalaburagi. The Advisory Board heard the detainee, perused the material and expressed that sufficient cause and grounds have been made out for detention of Sri. Abdul Rakib Assadi.

The aforesaid dates and events clearly indicate that the mandate of Sections 3, 8, 10, 11 and 13 of the Goonda Act has been complied by the respondent - Authorities and there is no violation as alleged by the learned counsel for the petitioner.

10. Insofar as the contention of the petitioner that the impugned order of detention is passed without application of mind and there is no subjective satisfaction, the application of mind of the Authorities is evident from the order of detention and the grounds of detention produced at Annexures-A and B. **The respondent No. 2 has taken note of the fact that the detainee is in the habit of committing the offence and abetting the commission of offence. The finding of the Detaining Authority that the name of the detainee was entered in the rowdy register and the detainee is involved in heinous crimes like preparation and assembly for dacoity, attempt to murder, rioting, molestation, theft and offence under the Arms Act, 1959 (hereinafter referred to as 'the Arms Act'), as well as the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act'). The act of the detainee from 2023 to 2024 has affected the human life of the area, and his conduct is prejudicial to maintain the public order which is evident from the reasons assigned in the impugned order of detention. The subjective satisfaction of the Detaining Authority cannot be substituted or adjudged by the writ Court as the Appellate Authority nor it can substitute its views. The writ court is required to look into as to whether the Detaining Authority, while passing the order of detention,**

has taken into consideration the relevant factors/material to pass the order of detention and the said material is sufficient to come to the conclusion that the conduct and the act of the detainee is detrimental to the public order. In the case on hand, the Detaining Authority has considered the pendency of 10 cases against the detainee from 2023 to 2024 and recorded the detailed reasons that despite booking of the case against the detainee, his activities could not be controlled. The finding of the Detaining Authority is that the activities of the detainee are detrimental to the public order and his activities cannot be curbed to the ordinary laws. In view of the specific finding and consideration of the relevant material by the Detaining Authority, we are of the view that the impugned order of detention passed by the respondent No. 2 has withstood the test of subjective satisfaction. The contrary contention urged by the learned counsel for the petitioner is rejected."

(Emphasis supplied at each instance)

The Division Bench holds that the Detaining Authority had passed a detailed order detaining the detenu, since despite registering criminal cases against the detenu the activities continued detrimental to public order, which could not be curbed by ordinary laws. These observations would fit into the case of the detenu aptly and there is no warrant for issuance of a writ in the nature of habeas corpus.

12. Therefore, the petition must fail and is accordingly ***dismissed.***

Pending applications, if any, also stand disposed.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

**Sd/-
(HEMA KULKARNI)
JUDGE**

BKP