

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 21st DAY OF MAY 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO.100481 OF 2026 (GM-RES)

IN W.P. NO. 100481 OF 2026:

BETWEEN

DHARMARAJ N. SATPATII
S/O. NIJAPPA SATPATII,
AGED: 48 YEARS,
OCC: BUSINESS,
RESIDING AT: NO.104,
SADASHIV NAGAR,
OLD HUBBALLI,
HUBBALLI,
DIST: DHARWAD – 580 024.

... PETITIONER

(BY SRI. MOT GOURISHANKAR HARISHCHANDRA, ADV.)

AND

1. THE COMMISSIONER OF POLICE
AND ADDL. DIST MAGISTRATE
HUBBALLI - DHARWAD CITY,
HUBBALLI – 580 025.
2. GOVT. OF KARNATAKA,
BY SECRETARY HOME DEPT,
VIDHANASOUDHA,

BANGALORE – 560 001.

3. SUPERINTENDENT OF PRISON
CENTRAL PRISON, SAIDAPUR,
DHARWAD – 580 008.

... RESPONDENTS

(BY SRI. ASHOK T. KATTIMANI, AGA FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO, WRIT OF CERTIORARI THE DETENTION OF SAGAR LAKKUNDI, S/O BASAVARAJA LAKKUNDI, BY ORDER NO. CP/MAG-2/HD/09/2025-26 DATED 02.06.2025 (ANNEXURE A AND B) PASSED BY RESPONDENT NO.1 AND APPROVED BY THE RESPONDENT NO.2 BY ORDER NO. HD 290 SST 2025 DATED 09.06.2025 (ANNEXURE C) AND CONFIRMED BY THE RESPONDENT NO.2 BY ORDER NO. HD 290 SST 2025 DATED 18.07.2025 (ANNEXURE D) AS ILLEGAL AND VOID AB INITIO. TO PASS SUCH OTHER ORDER OR ORDERS DECLARING THE ORDER OF DETENTION, THE ORDER OF APPROVAL AND THE ORDER OF CONFIRMATION, AS ILLEGAL AND AB INITIO VOID. TO PASS SUCH OTHER ORDERS INCLUDING RELEASE OF THE DETENU FORTHWITH. TO AWARD COSTS.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 19.05.2026, COMING ON FOR PRONOUNCEMENT, THIS DAY, **VIJAYKUMAR A. PATIL J.**, MADE THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD
AND
THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL

CAV JUDGMENT

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

This writ petition is filed by a relative of the detenu seeking a writ in the nature of Certiorari by quashing the detention order dated 02.06.2025 in No.CP/MAG-2/HD/09/2025-26 by the respondent No.1 approved by the respondent No.2 by order dated 09.06.2025 and the confirmation by the respondent No.2 dated 18.07.2025, and further prayer to issue a Writ of Habeas Corpus directing the respondents to set the detenu at liberty by releasing him from prison.

2. Brief facts leading to the filing of this petition are that, the detenu has been detained pursuant to the Order of Detention passed by the respondent No.1 against the detenu on 02.06.2025 under Section 2(g) of the Karnataka Prevention of Dangerous Activities, Bootleggers, Drug Offenders, Gamblers, Goondas, Immoral Trafficking Offenders, Slum Grabbers and Video or Audio Pirates Act, 1985 (hereinafter referred to as 'the Goondas Act') for being a habitual offender and repeatedly undertaking

activities punishable under various provisions of the Indian Penal Code, 1860 (for short 'IPC') and Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and in order to prevent him from further engaging in activities prejudicial to the maintenance of public order. The said order was approved by the respondent No.2 on 09.06.2025 and the same was confirmed by the respondent No.2 on 18.07.2025. Being aggrieved by the said order of detention, order of approval, and the consequential confirmation of the said order, this petition is filed.

3. Sri. Gourishankar H. Mot, learned counsel appearing for the petitioner, submits that the orders under challenge are liable to be set aside solely on the ground that some of the documents furnished to the detenu are in English language and, as per the detention order, the detenu has studied till second standard in Kannada medium and is able to read only Kannada language. It is further submitted that non-furnishing of translated copies of the documents vitiates the detention order. It is also submitted that some of the documents furnished are

illegible, which violate the right guaranteed to the detenu under Article 22(5) of the Constitution of India to give effective representation. It is also submitted that there is no application of mind by the authorities in passing the impugned orders. It is contended that the detention order is vague, passed on irrelevant consideration. Hence, he seeks to allow the petition. It is further contended that that above writ petition challenging the detention order was filed on 19.01.2026 and the State has unnecessarily sought adjournments which has resulted in delay in considering the petition. Hence, he insists to pass the orders immediately, otherwise the writ petition would render infructuous. Hence, he seeks to allow the petition and set the detenu free.

4. Learned Additional Government Advocate appearing for the respondent-State submits that the order of detention has been passed after following all procedural requirements and arriving at subjective satisfaction. It is submitted that the detenu has been a habitual offender with eight cases registered against him under various

provisions of IPC and BNS. It is further submitted that the detenu consistently engaged in the illegal activities and caused public disorder and to prevent the same, the said order of detention was passed. Hence, he seeks to dismiss the petition.

5. We have heard the learned counsel appearing for the petitioner and the learned AGA appearing for the respondents-State and perused the material available on record. Having given our anxious consideration to the submissions advanced on both sides and the material available on record, the point that arises for consideration in this petition is,

"Whether the impugned order of detention dated 02.06.2025 passed by the respondent No.1, the approval order dated 09.06.2025 and confirmation order dated 18.07.2025 by the respondent No.2 are sustainable under law?"

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

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

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

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

(3) *When any order is made under this section by an officer mentioned in sub-section (2), he shall forthwith report the fact to the State Government*

together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter and no such order shall remain in force for more than twelve days after the making thereof, unless, in the meantime, it has been approved by the State Government.

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

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

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

10. Reference to Advisory Board.-

In every case where a detention order has been made under this Act the State Government shall within three weeks from the date of detention of a person under the order, place before the Advisory Board constituted by it under section 9, the grounds on which the order has been made and the

representation, if any, made against the order, and in case where the order has been made by an officer, also the report by such officer under sub-section (3) of section 3.

11. Procedure of Advisory Board.-

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

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

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

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

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

13. Maximum period of detention.-

The maximum period for which any person may be detained, in pursuance of any detention order made under this Act which has been confirmed under section 12 shall be twelve months from the date of detention."

7. A bare reading of the aforesaid Sections indicates that the State Government may, if satisfied with respect to any "Goonda" as defined under Section 2(g) of the Goonda Act, with a view to prevent him from acting in any manner prejudicial to the maintenance of public order, pass an order directing such a person to be detained. Sub-section (2) of Section 3 of the Goonda Act empowers the District Magistrate or the Commissioner of Police to exercise

the powers conferred under sub-Section (1) of Section 3 of the Goonda Act. Sub-section (3) of Section 3 of the Goonda Act mandates that if the order is passed by the Officer under sub-Section (2) of Section 3 of the Goonda Act, he shall forthwith report the fact to the State Government along with the grounds on which the order has been made. The order made by the Officer under sub-Section (2) shall remain in force for 12 days unless in the meantime, the State Government approves it. Section 8 of the Goonda Act mandates that the grounds of detention are required to be served on the detenu within five days from the date of detention and shall offer him the earliest opportunity of making a representation against the order to the State Government. Section 10 of the Goonda Act mandates that the order of detention made under the Goonda Act shall be placed before the Advisory Board within a period of three weeks from the date of detention order by the State Government along with grounds on which the order has been made and representation, if any, made against the order. Section 11 of the Goonda Act

provides the procedure to be followed by the Advisory Board. The Advisory Board is empowered to consider providing personal hearing to the detenu and thereafter submit a report to the State Government within seven weeks from the date of detention of the person concerned. The Advisory Board is required to forward its opinion as to whether or not there is sufficient cause for the detention of the person concerned. The opinion of the Advisory Board is confidential. Section 13 of the Goonda Act indicates that the maximum period for detention is twelve months from the date of detention.

8. The impugned detention order dated 02.06.2025 is passed by the respondent No.1 by recording the reason that the detenu is aged about 28 years, a Gowndi by occupation, and a resident of Sadashivnagar, Old Hubballi, and he is rowdy-sheeter in Old Hubballi Police Station, and is involved in criminal cases including attempt to murder, assault and other criminal activities and he has created fear in the minds of the people. To arrive at such a conclusion, the authority placed reliance on the following cases;

- (a) Crime No.37/2019 registered by the Old Hubballi Police Station for the offences punishable under Sections 323, 324, 341, 504, 506 r/w 34 of IPC.
- (b) Crime No.123/2020 registered by the Old Hubballi Police Station for the offences punishable under Sections 143, 147, 148, 323, 341, 307, 504, and 149 of IPC.
- (c) Crime No.105/2021 registered by the Old Hubballi Police Station for the offences punishable under Sections 41(1)(d), 102 of Cr.P.C., and Section 379 of IPC.
- (d) Crime No.39/2022 registered by the Old Hubballi Police Station for the offences punishable under Sections 143, 147, 324, 504, 506 and 149 of IPC.
- (e) Crime No.140/2022 registered by the Old Hubballi Police Station for the offences punishable under Sections 341, 323, 324, 504, 506 r/w 34 of IPC.

- (f) Crime No.247/2024 registered by the Old Hubballi Police Station for the offences punishable under Sections 109, 115(2), 118(1), 352, 351(2), 351(3) of BNS 2023.
- (g) Crime No.277/2024 registered by the Old Hubballi Police Station for the offences punishable under Sections 79, 109 and 190 of BNS 2023.
- (h) Crime No.42/2025 registered by the Old Hubballi Police Station for the offences punishable under Sections 109, 115(2), 118(1), 126(2), 352, 351(2), 351(3) and 190 of BNS 2023.

9. The grounds of detention make a reference with regard to the registration of eight cases referred supra against the detenue from 2019 to 2025. The detaining authority as well as the approving and confirming authority have come to the satisfaction that the detenue is a habitual offender and his activities have caused breach of public

order and that he cannot be prevented under ordinary law of land and hence, proceeded to pass the impugned orders.

10. In the light of the legal position referred supra as well as the grounds of detention and the contentions advanced on both sides, we are of the view that the order of detention, approval and confirmation is required to be tested by considering the primary contention of the petitioner that the respondents-authorities have failed to furnish the relied documents to the detinue in a language known to the detinue and also that they were required to furnish the legible copies to enable him to submit effective representation to the authorities.

11. We have perused the documents relied by the detaining authority while arriving its satisfaction as well as the approving and confirmation authority. It is noticed that some of the relied documents in the documents furnished to the detinue are in English language and no translated copies were made available to him. The order of detention as well as grounds of detention makes a clear reference that the detinue has studied upto second standard in

Kannada medium and he is able to read only Kannada language. We have also noticed that some of the documents served on the detenu which were relied by the detaining authority were illegible. We have also perused the statement of objections filed by the respondent-State and it has failed to substantiate the said contentions by rebutting the same in their statement of objections or by placing any material to that effect. Therefore, non-furnishing of relied document in the language known to the detenu and submitting of illegible copies affects the right of the detenu to submit an effective representation, which is a fundamental right guaranteed under Article 22(5) of the Constitution of India.

12. It would be useful to refer to the decision of the Hon'ble Supreme Court in the case of ***Harikisan Vs. State of Maharashtra***¹

"8. We do not agree with the High Court in its conclusion that in every case communication of the grounds of detention in English, so long as it continues

¹ 1962 SCC Online 117

to be the official language of the State, is enough compliance with the requirements of the Constitution. If the detained person is conversant with the English language, he will naturally be in a position to understand the gravamen of the charge against him and the facts and circumstances on which the order of detention is based. But to a person who is not so conversant with the English language, in order to satisfy the requirements of the Constitution, the detenu must be given the grounds in a language which he can understand, and in a script which he can read, if he is a literate person.

9. *The Constitution has guaranteed freedom of movement throughout the territory of India and has laid down detailed rules as to arrest and detention. It has also, by way of limitations upon the freedom of personal liberty, recognised the right of the State to legislate for preventive detention, subject to certain safeguards in favour of the detained person, as laid down in clauses (4) and (5) of Article 22. One of those safeguards is that the detained person has the right to be communicated the grounds on which the order of detention has been made against him, in order that he may be able to make his representation against the order of detention. In our opinion, in the circumstances of this case, it has not been shown that the appellant had the opportunity, which the law contemplates in his favour, of making an effective*

representation against his detention. On this ground alone we declare his detention illegal, and set aside the Order of the High Court and the Order of Detention passed against him."

13. It would also be useful refer to the decision of the Hon'ble Supreme Court in the case of ***The State of Manipur and Others vs. Buyamayum Abdul Hanan and Another***² referred *supra*, the paragraph No.22 and 23 are extracted below for reference:

"20. *What will be the effect of non-supply of legible copies of the documents relied upon by the detaining authority has been considered by this Court in Bhupinder Singh [Bhupinder Singh v. Union of India, (1987) 2 SCC 234 : 1987 SCC (Cri) 328] as under : (SCC pp. 234-35, para 1)*

"1. On 3-10-1985 the officers of the Enforcement Directorate searched House No. B.20, Gujranwala Town, Part II, Delhi and recovered certain quantity of foreign exchange. It appears that the petitioner was not immediately available. He was called and interrogated. He made a statement which was recorded by the officers of the Enforcement Directorate. On 19-3-1986 an order for detention of the petitioner was made by Shri M.L. Wadhawan, Additional Secretary to the Government of India, Ministry of Finance,

² (2022) 19 SCC 509

Department of Revenue, New Delhi. The petitioner was arrested on 16-4-1986 and served with a copy of the order of detention. Grounds of detention were served on him four days later. On 12-5-1986 he was produced before the Advisory Board. He made a complaint before the Advisory Board that the copies of documents which were supplied to him alongwith the grounds of detention were not legible and he also placed before the Advisory Board a copy of a representation said to have been made by him for supply of legible copies of documents. There is a controversy whether this representation was made on 8-5-1986 or 12-5-1986. From the original files produced before us we find that the representation was typed on 8-5-1986, but actually signed by the detenu on 12-5-1986. But that would not make any difference for the purposes of this case. On 19-5-1986 the Under-Secretary to the Government of India conceded the demand of the detenu for legible copies of documents and directed the Directorate of Enforcement to supply a duplicate set of documents to the petitioner. A copy of this letter was also sent to the detenu and was acknowledged by him on 21-5-1986. There is a controversy as regards the date on which the legible copies of documents were actually given to the detenu. According to the detenu they were served on him on 1-7-1986, whereas according to the counter-affidavit of Shri S.K. Chowdhry, Under-Secretary in the Ministry of Finance, the documents were supplied on 21-6-1986. It does not make any difference whether the documents were supplied on 21-6-1986 or on 1-7-1986 since we find that even before legible copies of documents were supplied to the detenu, the detention order was confirmed on 14-6-1986. The detenu was thus clearly denied the opportunity of making a representation and there was therefore a clear contravention of the right guaranteed by Article 22 of the Constitution. The detenu is entitled to be set at liberty. We are told that the detenu is now on parole. He need not surrender.”and later in Manjit Singh Grewal [Manjit Singh

Grewal v. Union of India, 1990 Supp SCC 59 : 1990 SCC (Cri) 608 (2)] as under : (SCC p. 59, para 3)

"3. It appears that the appellant had asked for certain copies of the documents which admittedly were there with the respondent—Union of India. Copies of the documents were supplied, but the same were not legible. This position is also apparent. It is not necessary in the facts of this case to go into the question whether these documents were relevant or material."

21. The learned counsel also relied upon the judgment of this Court in Union of India v. Ranu Bhandari [Union of India v. Ranu Bhandari, (2008) 17 SCC 348 : (2010) 4 SCC (Cri) 543] wherein it was held in paras 27 and 31 as under : (SCC pp. 355-56)

"27. It has also been the consistent view that when a detention order is passed all the material relied upon by the detaining authority in making such an order, must be supplied to the detenu to enable him to make an effective representation against the detention order in compliance with Article 22(5) of the Constitution, irrespective of whether he had knowledge of the same or not. These have been recognised by this Court as the minimum safeguards to ensure that preventive detention laws, which are an evil necessity, do not become instruments of oppression in the hands of the authorities concerned or to avoid criminal proceedings which would entail a proper investigation.

*28-30.****

31. Of course, in Radhakrishnan Prabhakaran case [Radhakrishnan Prabhakaran v. State of T.N., (2000) 9 SCC 170 : 2000 SCC (Cri) 1198] it was also made clear that there is no legal requirement that a copy of every document mentioned in the order has to be supplied to the detenu. What is,

therefore, imperative is that copies of such documents which had been relied upon by the detaining authority for reaching the satisfaction that in the interest of the State and its citizens the preventive detention of the detenu is necessary, have to be supplied to him. Furthermore, if in this case, the detenu's representation and writ petition had been placed before the detaining authority, which according to the detenu contained his entire defence to the allegations made against him, the same may have weighed with the detaining authority as to the necessity of issuing the order of detention at all."

22. *Thus, the legal position has been settled by this Court that the right to make representation is a fundamental right of the detenu under Article 22(5) of the Constitution and supply of the illegible copy of documents which has been relied upon by the detaining authority indeed has deprived him in making an effective representation and denial thereof will hold the order of detention illegal and not in accordance with the procedure contemplated under law.*

23. *It is the admitted case of the parties that Respondent 1 has failed to question before the detaining authority that illegible or blurred copies were supplied to him which were relied upon while passing the order of detention, but the right to make representation being a fundamental right under Article 22(5) of the Constitution in order to make effective representation, the detenu is always entitled to be supplied with the legible copies of the documents relied upon by the detaining authority and such*

information made in the grounds of detention enables him to make an effective representation."

14. The aforesaid enunciation of law laid down by the Hon'ble Supreme Court makes it clear that non-supplying the documents in a language known to the detenu and supplying illegible copy of documents which have been relied upon by the detaining authority deprives the detenu from making an effective representation guaranteed under Article 22(5) of the Constitution of India and denial of which results in violation of the procedure contemplated under the law for passing an order of preventive detention. We have also noticed that the detention order would lapse on 02.06.2026. Hence, on this ground also, we are of the view that the matter is required to be heard on priority basis.

15. The learned counsel for the petitioner though raised other grounds to attack the orders under challenge, we are not proposed to consider those grounds urged in view of our aforesaid finding. We have also noticed that that order of detention as well as consequential orders were

assailed in this petition in the month of January 2026 and, due to one or the other reason, the matter could not be taken up and the counsel appearing for the petitioner insisted the matter to be taken up for final disposal by the Vacation Bench on the ground that the writ petition would render infructuous if the consideration of the petition is deferred further. Considering the said request and with the consent of both sides, we heard the writ petition for final disposal.

16. For the aforementioned reasons, the orders of detention, approval and confirmation under challenge are contrary to law and require interference, and we are of the considered view that the impugned orders are passed in violation of the fundamental rights of the detenu guaranteed under Article 21 of the Constitution of India. Hence, we proceed to pass the following:

ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned order of detention dated 02.06.2025 passed by the respondent

No.1, and the order dated 09.06.2025 and the confirmation order dated 18.07.2025 passed by respondent No.2 are hereby quashed.

- iii. The respondents are directed to set the detenu at liberty forthwith, if not required in any other cases.
- iv. Registry is directed to communicate the operative portion of the order to the Superintendent of Central Prison, Dharwad, forthwith for compliance.
- v. No order as to costs.

Sd/-
(H.T.NARENDRA PRASAD)
JUDGE

Sd/-
(VIJAYKUMAR A.PATIL)
JUDGE

KMS
CT: ASC