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WP-15535-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

&

HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 6th OF MAY, 2026

WRIT PETITION No. 15535 of 2026

IMRAN GORI @ CHIKNA @ PANCTURE

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Ashutosh Sharma, Advocate for the petitioner.

*Shri Sonal Gupta, Additional Advocate General for the
respondents/State.*

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ORDER

Per. Justice Alok Awasthi

In the instant petition filed under Article 226 of the Constitution of India, the petitioner/detenu has assailed the illegality, validity and propriety of the order dated 04.08.2025 passed by the respondent No.3 - District Magistrate/Collector, Indore under sub-sections 2 and 3 of Section 3 of the National Security Act, 1980 (hereinafter referred to as the 'Act'), whereby the petitioner has been ordered to be detained in the Central Jail, Indore.

The petitioner has also challenged the subsequent order dated 22.01.2026 passed by the same authority extending the period of detention by three months i.e., upto 15.05.2026. That, the impugned orders passed by the respondent No.3 is in violation of the provisions of the Act and in violation



of law established by the Apex Court and High Court of Madhya Pradesh in catena of judgements.

2. Facts of the case briefly stated are that petitioner is in the judicial custody since 04.08.2025 at Central Jail, Indore, in pursuant to the detention order passed by the District Magistrate, in exercise of the powers conferred by sub-section (2) of Section 3 of the Act. Subsequently, the State Government approved the detention order issued through its order No.F 31-75/2025/2/C-1, Bhopal dated 04.12.2025 and after approval by the Advisory Board, the State Government vide order No. F 31-75/2025/2/C-1, Bhopal dated 04.12.2025 confirmed the detention order for a period of 03 months from the detention ending date i.e. 15.02.2026. Further, the Deputy Commissioner of Police, Zone-02, Urban, District Indore, through his letter No.Police Commissioner/Zone-02/Urban/Reader/II/38-A/2025 dated 20.01.2026, while forwarding the report of the Station House Officer of Khajrana Police Station, recommended that the detention period of the petitioner to be extended. Thereafter, the respondent No.3 passed an order dated 22.01.2026 stating that for maintaining peace and law and order, it is necessary for the present petitioner to be kept in judicial custody therefore, the period of judicial custody was then extended up to 15.05.2026.

3. Learned counsel for the petitioner strenuously argued that the detaining authority failed to specify the period of detention in the initial order dated 04.08.2025 itself, which is a mandatory requirement under sub-section (3) of Section 3 of the Act. He submitted that non-mentioning of the period renders the detention order void ab initio. He placed reliance on the



judgements of the Apex Court and this Court in support of his contention.

4. Learned A.A.G. for the respondents/State supported the detention orders and submitted that even if the initial order did not mention the period, the same was subsequently specified in the extension order and the total period of detention has not exceeded the maximum limit prescribed under the Act therefore, the order cannot be quashed on the said ground.. He further submitted that the petitioner was arrested on 15.11.2025 and not on 04.08.2025 as alleged, hence, prayed for dismissal of the petition.

5. Heard learned counsel for the parties at length.

6. Section 3 of the Act is reproduced below for ready reference and convenience:-

"3. Power to make orders detaining certain persons.-

(1) The Central Government or the State Government may:

(a) if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the defence of India, the relations of India with foreign powers, or the security of India, or (b) if satisfied with respect to any foreigner that with a view to regulating his continued presence in India or with a view to making arrangements for his expulsion from India, it is necessary so to do, make an order directing that such person be detained.

(2) The Central Government or the State Government may, if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the security of the State or from acting in any manner prejudicial to the maintenance of public order or from acting in any manner prejudicial to the maintenance of supplies and services essential to the community it is necessary so to do, make an order directing that such person be detained.

Explanation. "For the purposes of this sub-section, "acting in any manner prejudicial to the maintenance of supplies and services essential to the community" does not include "acting in any manner prejudicial to the maintenance of supplies of commodities essential to the community" as defined in the Explanation to sub-



section (1) of section 3 of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980 (7 of 1980), and accordingly, no order of detention shall be made under this Act on any ground on which an order of detention may be made under that Act.

(3) 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 (2), exercise the powers conferred by the said sub-section:

Provided that the period specified in an 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.

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

Provided that where under section 8 the grounds of detention are communicated by the officer making the order after five days but not later than ten days from the date of detentions, this sub-section shall apply subject to the modification, that, for the words "twelve days", the words "fifteen days" shall be substituted.

(5) When any order is made or approved by the State Government under this section, the State Government shall, within seven days, report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as, in the opinion of the State Government, have a bearing on the necessity for the order."

7. As per Section 3 of the Act, sub-section (3) empowers the District Magistrate to exercise powers under sub-section (2) only “during such period as may be specified in the order” issued by the State Government. The



proviso to sub-section (3) further provides that the initial period shall not exceed three months and can be extended by periods not exceeding three months at a time.

8. The core issue involved in the present case is whether mentioning of the period of detention in the initial detention order passed by the District Magistrate under Section 3(2) read with Section 3(3) of the Act is mandatory or directory.

9. After hearing learned counsel for the parties and taking into consideration the law in this regard, the mentioning of the period of detention has to be held mandatory and it has been held that if it is not mentioned the order vitiates. In the case of *Commissioner of Police and Anor Vs. Gurubux Anandram Bhiryani* [1988 (supp) SCC 568], the Court held that the non-mentioning of the period in the detention order vitiates the order of detention. The similar view has been taken by the Co-ordinate Bench in the case of *Bhaiya @ Bhaiyalal @ Arvind Vs. State of MP* [2013 (2) J LJ 300], where the Co-ordinate Bench after considering the said provisions has held that the order of detention has to be passed for a specific period. Another Division Bench in the case of *Pradeep Vs. State of MP and Ors.* [2016 (1) J LJ 252], reiterated the same view. The Division Bench of this Court after considering the aforesaid judgements has quashed the detention order on the said ground in the case of *Satyanarayan Vs. State of MP and Ors. passed in W.P. No.5132/2023*. In the instant case, admittedly, the order dated 04.08.2025 passed by the District Magistrate does not specify the period for which the petitioner was to be detained. The subsequent order dated



22.01.2026 cannot cure this fundamental defect in the initial order. The defect being jurisdictional and fundamental in nature goes to the root of the matter and renders the entire detention illegal. The contention of the respondents that the total period has not exceeded the maximum limit is misconceived. The legality of detention has to be tested on the strength of the initial order itself. An illegal order cannot be validated by subsequent extension.

10. In view of the aforesaid settled proposition of law in regard to the mentioning of period of detention in the detention order, we quash the detention order dated 04.08.2025 and the extension order dated 22.01.2026 passed by the District Magistrate, Indore alongwith all consequential orders. The respondent authority is directed to release the petitioner forthwith, in case, he is not required to be detained in any other criminal case or proceedings.

11. With the aforesaid, the petition stands allowed and disposed of finally. No order as to costs.

(VIJAY KUMAR SHUKLA)
JUDGE

(ALOK AWASTHI)
JUDGE