
(2020) 05 JH CK 0032

In the Jharkhand High Court

Case No : Writ Petition (Criminal) No. 359 Of 2019

Firoz Khan And Ors

APPELLANT

Vs

State Of Jharkhand & Others

RESPONDENT

Date of Decision : 06-05-2020

Acts Referred:

Jharkhand Crimes Control Act, 2002 — Section 20(4)

Citation : (2020) 05 JH CK 0032

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Anurag Kashyap, Navin Kumar Singh

Final Decision : Allowed

Judgement

The writ petition has been filed on 28.09.2019.

I.A. No. 3122 of 2020 has been filed on 25.04.2020 for amendment in the prayer portion incorporating the order of detention dated 17.03.2020 by which the detention of the petitioners has been extended till 27.06.2020.

Earlier, I.A. No. 593 of 2020 was filed on 22.01.2020 for amendment in the prayer portion incorporating the order of detention dated 06.12.2019 by which the detention of the petitioners was extended till 27.03.2020, which was allowed by a Coordinate Bench of this Court on 23.01.2020.

The State has already filed counter affidavit at that time, but on 23.01.2020, the Coordinate Bench (Ananda Sen, J.) has given liberty to the State to file counter affidavit and also directed vide order dated 05.03.2020 to file entire record in relation to detention of the petitioners but the same has not been complied with till date.

Learned counsel for the State Mr. Navin Kumar Singh, has submitted that detention file is a confidential document, which cannot be filed on record, rather the same can be brought under sealed cover for perusal of the court in view of

Section 20 (4) of the Jharkhand Crimes Control Act, 2002 and judgment passed by the Apex Court.

Learned counsel for the State has further submitted that State intends to file modification petition by 08.05.2020 for modification of order dated 23.01.2020 passed by Coordinate Bench.

Learned counsel for the petitioners Mr. Anurag Kashyap has submitted that the detention order will expire on 27.06.2020 which has been extended by State authority without giving any reason in a non-speaking order, which is illegal and unsustainable in the eyes of law. As such, this case may be heard so that the application may not become infructuous.

After hearing learned counsel for the parties, the State is allowed time to file modification petitioner by 08.05.2020.

Learned counsel for the petitioners is at liberty to mention the case after 09.05.2020 for listing.