

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 4339 of 2020**

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AJAMBHAI DEVSINGBHAI RATHVA

Versus

STATE OF GUJARAT

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Appearance:

MS. MAYURI P CHAUHAN(7069) for the Petitioner(s) No. 1

MR NIKUNJ KANARA, AGP for the Respondents

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CORAM: **HONOURABLE MR. JUSTICE PARESH UPADHYAY****Date : 31/03/2021****ORAL ORDER**

1. This petition was filed apprehending detention under PASA.

2. In response to the notice of this Court, learned Assistant Government Pleader on instructions of the sponsoring Authority has stated that, on the basis of the FIR(s) in question, there is neither any proposal to detain the petitioner under PASA nor it is contemplated. It is however stated that, in the event any fresh FIR(s) is registered against the petitioner, considering the gravity thereof, appropriate decision will be taken, as to whether any proposal should be made to detain the petitioner under PASA or not. It is further stated that, if any such proposal is made, the FIR(s) which are referred in this petition, may also be taken into consideration.

3. The matter should rest here.

4. This petition needs to be disposed of with the clarification that, in the event any fresh FIR(s) is registered against the petitioner, considering the gravity thereof, appropriate decision may be taken as to whether any proposal needs to be made to detain the petitioner under PASA or not, and in the event any such proposal is made, the FIR(s) which are referred in this petition may also be taken into consideration, however while doing so, the sponsoring Authority shall specifically put to the notice of the detaining Authority the present proceedings and the stand taken in it and further that, the detaining Authority shall, while taking decision qua such proposal, also take note of the present proceedings and stand of the Sponsoring Authority therein.

5. This petition is disposed of in above terms.

(PARESH UPADHYAY, J)

SHRIJIT PILLAI/124