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**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.2189/2026  
[ @ SLP [CRL.] NO.3869/2026 ]**

**SUNIL KUMAR GUPTA  
ALIAS SUNIL CHAIN**

**Appellant(s)**

**VERSUS**

**UNION OF INDIA & ORS.**

**Respondent(s)**

**O R D E R**

**Leave granted.**

**The question for consideration in this appeal is as to whether the detention order and its approval thereafter would stand vitiated on account of the belated consideration of the detenu's representation by the State Government after the approval of the detention order, which was done based upon a report received from the detaining authority enclosing not only the representation made to it, but also the decision taken on the same.**

We have heard the learned Senior Counsel appearing for the appellant and the learned Senior Counsel appearing for the respondent(s). We have also perused the relevant records.

Learned Senior Counsel appearing for the appellant has placed reliance on the decisions rendered by this Court in *Jayanarayan Sukul v. State of West Bengal* (1970) 1 SCC 219 and in *Sk. Abdul Karim & Ors. v. State of West Bengal* (1969) 1 SCC 433, in support of his contentions.

Admittedly, a detention order against the appellant, was passed by the District Magistrate under the National Security Act, 1980 on 02.07.2025. Subsequently, the appellant made two representations, one to the detaining authority and another to the State Government as can be seen from the document filed by the respondent(s) dated

07.07.2025 which is a communication sent by the Superintendent, District Jail, Mathura to the District Magistrate, Mathura.

On 12.07.2025, the State Government approved the detention order dated 02.07.2025 forwarded to it by the detaining authority. On 23.07.2025, a communication has been sent by the State Government to the District Magistrate asking it to inform the detenu on the rejection of his representation to the State Government.

The facts referred to above would clearly show that the detenu's representation was not sent to the State Government immediately, and that it was rejected belatedly.

A duty is imposed on the concerned Government to consider the representation of the detenu at the earliest point of time. In the present case, the detaining authority did not forward the representation to the State

Government immediately, though it had actually been sent to the detaining authority by the prison authority at the earliest point of time.

The State Government on its part has approved the detention order and only thereafter, considered the detenu's representation. The representation of the detenu made to the State Government has nothing to do with either the detaining authority or even the Advisory Board. Unfortunately, the aforesaid action of considering the representation was not forthcoming at the earliest point of time. This would vitiate both the detention order and its subsequent approval.

In such view of the matter, both the detention order and its subsequent approval shall stand quashed. Accordingly, the impugned order passed by the High Court is set aside. The appellant shall be released

forthwith.

The appeal stands allowed, accordingly.

Pending application(s), if any, shall stand disposed of.

.....J.  
[M.M. SUNDRESH]

.....J.  
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI;  
APRIL 27, 2026.



Mr. Rana Mukherjee, Adv.  
Mr. Shashank Shekhar Singh, AOR  
Mr. Abhinav Singh, Adv.

UPON hearing the counsel the Court made the  
following  
O R D E R

Leave granted.

The Court inter alia directed as under:

“Accordingly, the impugned order  
passed by the High Court is set  
aside. The appellant shall be  
released forthwith.”

The appeal stands allowed in terms of  
the signed order.

Pending application(s), if any, shall  
stand disposed of.

(ASHA SUNDRIYAL)  
DEPUTY REGISTRAR

(POONAM VAID)  
ASSISTANT REGISTRAR

[Signed order is placed on the file]