

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

**CRIMINAL APPEAL No.2056 OF 2008
(Arising out of S.L.P.(CRL.)NO.6373/2007)**

REKHA UMESH SHETTY

... **Appellant(s)**

Versus

STATE OF MAHARASHTRA & ORS.

... **Respondent(s)**

WITH

**CRIMINAL APPEAL No.2096 OF 2008
(Arising out of S.L.P.(CRL.)NO.8039 of 2007)**

ORDER

1 Leave granted.

2 These appeals which are directed against the order of Preventive Detention passed under the Conservation of Foreign Exchange and Prevention of Smuggling Activities, Act, 1974,(COFEPOSA Act) are covered by our recent judgment in the case of Deepak Bajaj Vs. State of Maharashtra & Anr., reported in 2008 (14) SCALE-62. In the said decision, we had, inter alia, held that in the event, the Detaining Authority was supplied with the confession made by the detenu, the subsequent statement of the detenu-co-detenu retracting such confession should also have been placed before the said Authority. The facts of

this case are more or less similar to the facts involved in Deepak Bajaj's case. In this case also while the confession of the detenu(co-detenu) was placed before the Detaining Authority, the retraction was not, as will be evident from paragraphs 19 and 20 of the order impugned in these appeals.

3 We, therefore, allow the appeals and quash the detention orders dated 16th August, 2006 and 21st August, 2006 respectively.

.....J.
(ALTAMAS KABIR)

.....J.
(MARKANDEY KATJU)

New Delhi,
December 17, 2008.

JUDGMENT