

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 38643 of 2014

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Date of Judgment: 10.3.2015

Between:

Smt. Saripiralla Lakshmi Devi

...Petitioner

And

The State of Andhra Pradesh and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 38643 of 2014

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ORDER:

Wife of the detenu has filed this writ petition questioning the detention order dated 13.10.2014 passed by the 2nd respondent under the provisions of the A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No. 1 of 1986), which was confirmed by the 1st respondent in G.O.Rt.No. 3846, General Administration (Law & Order) dated 26.11.2014.

Heard learned counsel for the petitioner as well as learned Advocate General appearing for the respondents.

One of the grounds raised in support of the writ petition is that the detention order refers to and relies upon 13 crimes registered against the detenu. It is however, claimed that the detenu was released on bail in 9 out of 13 crimes, but neither the sponsoring authority placed the bail orders before the detaining authority nor the detaining authority was aware of the said bail orders while passing the detention order.

Counter-affidavit filed by the detaining authority accepts in para-7 that the detenu was enlarged on bail in 6 crimes, but the detenu did not mend his illegal activities and therefore the detention order was passed. Though no reference is made to other 3 crimes wherein bail was granted, as claimed by the petitioner, but since it is accepted that bail orders in 6 crimes were not placed before the detaining authority for consideration, that itself is a sufficient ground for quashing the order of detention as held by this Court in W.P.No. 32710 of 2014 and batch, dated 2.3.2015 wherein similar contention was considered and the order of detention was quashed.

In view of that, the writ petition is allowed, the detention order is quashed and the detenu Saripiralla Reddeppa Reddy s/o Sri S. Subba Reddy shall be released from custody forthwith, if he is not required in any other case.

Miscellaneous applications, if any, shall stand closed.
No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 10.3.2015

NB:

Advance order already sent on 10.3.2015

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