

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 29733 2014

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Date of Judgment: 10.3.2015

Between:

Bukke Kalavathi

...Petitioner

And

Government of Andhra Pradesh and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 29733 of 2014

ORDER:

Wife of the detenu has filed this writ petition questioning the detention order dated 24.6.2014 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. 2792, General Administration (Law & Order) dated 6.8.2014.

While the writ petition questions the detention order on various grounds with respect to 17 crimes referred to in the order of detention, the learned counsel for the petitioner has

filed WPMP No. 50531 of 2014 seeking to raise additional grounds wherein as many as 13 additional grounds are sought to be raised. The said application being not opposed, is ordered.

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

The learned counsel for the petitioner contends that out of 17 crimes referred to in the order of detention, the detenu was granted bail in 12 crimes, but none of the said bail orders were placed before the detaining authority and in fact the detaining authority did not even refer to the bail orders granted to the detenu. It was also stated that in some of the 17 crimes, police have already filed charge sheets, which were also not placed before the detaining authority. The said factual aspects as well as the legal contention with respect thereto is fairly conceded by the learned Advocate General in view of the decision of this Court in W.P.No. 32710 of 2014 and batch, dated 2.3.2015 wherein similar contentions were 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 Bukke Nagaraja Naik 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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