

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.39233 of 2014

BETWEEN

V. Selvi.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary,
Secretariat, Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioner: MR. D. PURNA CHANDRA REDDY

Counsel for the Respondents: ADVOCATE GENERAL

The Court made the following:

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ORDER:

The wife of the detenu questions the detention order passed by the

Collector and District Magistrate, Chittoor dated 13.10.2014 as confirmed by the Government under G.O.Rt.No.3487 General Administration (Law & Order) Department dated 26.11.2014.

2. Petitioner states that out of 10 crimes mentioned in the ground of detention, the detenu was granted bail in 6 cases, as set out in par 16 (ii) of the affidavit. The principal contention raised in support of the writ petition is that the orders granting bail in 6 of the cases were not placed before the detaining authority and had the said vital information made available, the detaining authority would have taken a different view on the subjective satisfaction. Copies of the orders granting bails are also produced along with the affidavit.

3. Counter filed, however, states that the subjective satisfaction was arrived at on the basis of involvement of the detenu in as many as 10 cases. It is, however, not contraverted that the orders granting bail were not noticed or reflected in the order of detention.

4. Petitioner has also raised a ground regarding the detention order referring to the charge sheets having been filed and investigation having been completed in all the crimes referred to in the detention order. However, para 16(ix) petitioner has specifically raised a contention that in none of the cases, the investigation is completed and in none of the cases charge sheets are filed.

5. Hence, the very basis of the detention order that the charges sheets were already filed is factually incorrect. The counter affidavit does not dispute the said specific contention.

6. Learned Advocate General fairly states that the detention order does not refer to the orders granting bail in favour of the detenu.

7. In any case, the issue is covered by the judgment of this Court in

WP.No.32710 of 2014 and batch dated 02.03.2015.

In view of the above, the impugned order is quashed and the writ petition is allowed as prayed for. The detenu is entitled to be released and is accordingly directed to be released forthwith unless his presence is required in any other criminal case and subject to appropriate proceedings in such criminal cases. As a sequel,

the miscellaneous applications, if any, shall stand closed.

There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

March 11, 2015

Note: Operative portion of the order be sent in advance.

(**B/o**) DSK