

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 38634 of 2014

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Date of Judgment: 10.3.2015

Between:

Smt. D. Jyothi

...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. 38634 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. 3850, 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 principal grounds urged in support of the writ petition is that the detention order is based upon 7 crimes registered against the detenu, but whereas in 6 crimes the detenu was already released on bail. The said fact of the detenu being released on bail was not brought to the notice of the detaining authority by the sponsoring authority and the detaining authority was not aware of the same. The 2nd respondent accepts in para-7 of the counter-affidavit that the detenu was released on bail in 6 crimes, but it is stated that since the detenu did not mend his illegal activities, it necessitated the 2nd respondent to pass the detention order. The contention of the learned counsel for the petitioner that the bail orders were not placed before the detaining authority is not controverted. The learned Advocate General also does not seriously dispute the said factual aspect. Hence the order of detention cannot be sustained in view of the decision of this Court in W.P.No. 32710 of 2014 and batch, dated 2.3.2015 wherein under point No.3 similar contention was considered and the detention order was quashed.

In view of that, the writ petition is allowed, the detention order is quashed and the detenu Doddikalla Krishna Reddy @ Ranga Reddygari Krishna Reddy @ Doddikaluva Munikrishna Reddy s/o Raga Reddy @ Rami 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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