

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

W.P.No. 15462 OF 2016

DATED 18TH OCTOBER, 2016

Between:

Faridhabibi

... Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary (Political),
Department of Law and Order,
Secretariat Buildings,
Hyderabad, and others

... Respondents

Counsel for the petitioner

:

Sri Dr. Challa Srinivasa Reddy

Counsel for the respondents

:

G.P. for Home (T.S.)

THE COURT MADE THE FOLLOWING

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

Detention of one Murtuza Ali @ Damar (hereinafter referred to as 'the detenu') by respondent No. 2 under the provisions of Section 3 (2) of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (for brevity, 'the Act'), and its confirmation *vide* G.O.Rt.No. 888 dated 21-04-2016 by respondent No. 1 are assailed by his mother in the present Writ Petition.

2. We have heard Sri Dr. Challa Srinivasa Reddy, learned counsel for the petitioner, and learned Government Pleader for Home (T.S.).

3. The detenu is a native of the State of Madhya Pradesh. Based on the information given by the Madhya Pradesh Police, the Telangana State Police have arrested and brought the detenu under P.T. Warrant from Madhya Pradesh in connection with crime No. 415 of 2015 of Kancharapalem Police Station, Visakhapatnam. While he was in judicial custody in the said case, he was taken into police custody in crime No. 432 of 2015 of Chikkadpally Police Station from the Central Prison, Visakhapatnam, as per the order dated 18-11-2015 of the IX Additional Chief Metropolitan Magistrate in CrI.M.P.No. 3059 of 2015, brought to Hyderabad and produced before the jurisdictional magistrate on 25-11-2015. He was taken into police custody for seven days from 25-11-2015. Subsequently, the detenu's arrest was regularized through P.T. Warrant in crime Nos. 763 of 2015 of S.R. Nagar Police Station, 203 of 2015 of Nallakunta Police Station, 431 and 433 of 2015 of Chikkadpally Police Station, 430 of 2015 of Narayanguda Police Station and 272 of 2015 of Kachiguda Police Station. The Kachiguda Police took him into custody on 08-12-2015 and, after due investigation, remanded the detenu to judicial custody on 10-12-2015 under the order of IV Additional Chief Metropolitan Magistrate, Hyderabad. The detenu has moved

bail applications in crime Nos. 203 of 2015 of Nallakunta Police Station, 431 to 433 of 2015 of Chikkadpally Police Station, 430 of 2015 of Narayanguda Police Station and 272 of 2015 of Kachiguda Police Station. Though the detenu was granted bail in all these cases, as he could not furnish sureties, he continued to be under judicial custody. Having regard to the series of offences allegedly committed by the detenu and apprehending that he is likely to be released from judicial custody and that his release may be detrimental to the public order, respondent No. 2 has issued order dated 07-02-2016 taking the detenu into preventive detention. In the grounds of the said order, all the aforementioned criminal cases were mentioned which were registered against the detenu for his alleged acts of chain snatching along with his associates while riding the bike. The detention order was approved *vide* G.O.Rt.No. 382, G.A. (L & O) Department, dated 17-02-2016. The Advisory Board, based on the material available on record, opined that there is sufficient cause for detention of the detenu and submitted its report dated 25-03-2016 opining that the detenu deserves the maximum period of detention as provided under Section 13 of the Act. Following the Advisory Board's advice, respondent No. 1 issued G.O.Rt.No. 888 dated 21-04-2016 confirming the detention order.

4. Feeling aggrieved by the aforementioned orders, the mother of the detenu filed this Writ Petition.

5. At the hearing, Sri Dr. Challa Srinivasa Reddy, learned counsel for the petitioner, advanced two submissions, namely; (1) that the respondents have not supplied the material in support of the detention order in Hindi which is the only language known to the detenu and that, therefore, the detention order is liable to be set aside and (2) that the alleged activities of the detenu do not cause

disturbance to the public order and, therefore, the detention is not sustainable in law.

6. As regards the first contention, in para No. 11 of the counter affidavit filed by respondent No. 2, he denied the allegation that the detenu was not supplied Hindi translated copies of the material. It is averred that at the time of service of detention order, the detenu was explained and read over the contents of the detention order and the grounds of detention in Hindi language and the detenu, having understood, acknowledged the same in the presence of jail authorities. It is further asserted that the detenu was supplied with both English and its translated version in Hindi under proper acknowledgement. He has also denied the allegation that most of the documents are illegible. The counter affidavit referred to the paper book, furnished to the detenu, in support of the averment that all the documents are legible. At the hearing, learned Government Pleader has placed before us a volume of papers containing the material translated in Hindi. A perusal of these documents shows that the entire material has been translated from English to Hindi and every page contains the purported signature of the detenu, authenticity of which is not disputed by learned counsel for the petitioner. In the face of this material, the plea of the petitioner that the detenu was not supplied with Hindi translated copies of the material, relied upon by the respondents in passing the detention order, has no merit.

7. With regard to the second submission, the fact that the detenu was accused in as many as seven criminal cases involving chain snatching under different police station limits is not disputed by learned counsel for the petitioner. He has, however, sought to submit that the detenu was falsely implicated. We are afraid we cannot accept this submission. The law is well settled that the detaining authority is entitled to order detention of a person based on his

subjective satisfaction that his activities are prejudicial to the public order and that the Courts do not sit in appeal over such subjective satisfaction or substitute its opinion for that of the detaining authority (See ***The State of Bombay Vs. Atma Ram Sridhar Vaidya***¹, ***Rameshwar Shaw Vs. District Magistrate, Burdwan***², ***Dr. Ram Manohar Lohia Vs. State of Bihar***³, ***Union of India Vs. Paul Manickam***⁴, ***Pebam Ningol Mikoi Devi Vs. State of Manipur***⁵ and ***M.R. Subramanian Vs. State of Tamil Nadu***⁶). The contention that the activities of the detenu do not disturb the public order is liable to be rejected as chain snatching in a public place creates fear in the minds of general public and people will be vary of traveling on public roads in the fear of such chain snatching. We have no doubt in our mind that such activities cause a serious apprehension in the minds of public and definitely disturb the even tempo of public life.

8. Having carefully considered the grounds of detention and the material relied upon by the respondents in support of such detention, we do not find any reason to interfere with the impugned orders of the detention.

9. The Writ Petition is, accordingly, dismissed.

C.V.NAGARJUNA REDDY, J.

M.S.K.JAISWAL, J.

Date: 18-10-2016.

JSK

¹ AIR 1951 SC 157

² (1964) 4 SCR 921 : AIR 1964 SC 334

³ AIR 1966 SC 740 : 1966 SCR (1) 709

⁴ (2003) 8 SCC 342

⁵ (2010) 9 SCC 618

⁶ (2012) 4 SCC 699