

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.22901 of 2016

DATED:- 22-11-2016

Between:

Ramesh

..... PETITIONER

AND

The State of Telangana, rep.by its Chief Secretary,
Secretariat, Hyderabad and 2 others

.....RESPONDENTS

COUNSEL FOR THE PETITIONER : Sri SREENATH KONDAPALLY

COUNSEL FOR RESPONDENTS : G.P.FOR HOME (TG)

THE COURT MADE THE FOLLOWING:



THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.22901 of 2016

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

This writ petition is filed by the father of one Arun Darshanam (for short, "the detenu") for issue of Habeas Corpus directing to release of the detenu, who was detained by order, dated 29.03.2016, of respondent No.2, under 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 short, "the Act").

We have heard the learned counsel for the petitioner and the learned Govt. Pleader for Home (TG).

A perusal of the detention order shows that three crimes have been registered against the detenu under Section 380 IPC on the allegation that he committed theft of hardware equipment, such as, monitor, CPU Opetiplex etc. All these offences were allegedly committed between 24/25.11.2015 and 06.02.2016.

Having considered the nature of the offences alleged against the detenu, we are of the opinion that the same do not cause disturbance to public order and instead at best it can be said that they pertain to law and order problem. The respondents, instead of dealing with the detenu under the ordinary criminal laws, have invoked the provisions of the preventive detention law which are held to be draconian and intended to deal with habitual offenders whose acts constitute disturbance to public order. In that view of the matter, the impugned detention order cannot be sustained.

The writ petition is accordingly allowed. The impugned order of detention, passed by Respondent No.2, dated 29.03.2016, and its confirmation dated 15.06.2016 are set aside and the detenu-Arun Darshanam, S/o.RAmesh is directed to be released from the detention forthwith, if he is not required in any other case.

C.V.NAGARJUNA REDDY,J

M.S.K.JAI SWAL,J

Date: 22.11.2016
Dsr

