

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION NO.39244 OF 2015

DATED:15-06-2016

Between:

Rathlavath Jukkubai ... Petitioner

And

The State of Telangana
Principal Secretary
Home Department
Secretariat
Hyderabad
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. V. Raghunath

COUNSEL FOR THE RESPONDENT: G.P. for Home (TS)

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THE COURT MADE THE FOLLOWING:

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

This writ petition is filed for issue of *habeas corpus* for release of Mr. Mudavath Venkatram (hereinafter called, 'the detenu'), after quashing order in Proceedings No.C2/3218/2015, dt.14.9.2015, of respondent No.2

We have heard Mr. V. Raghunath, learned counsel for the petitioner, and the learned Government Pleader for Home (TS).

The detenu was detained by respondent No.2 on the allegation that he is a habitual bootlegger having been involved in four cases pertaining to the said activity and that all the four cases are pending. It is evident from the detention order that the detenu is under detention for nine months. Considering the fact that the detention period is twelve months and the criminal cases are pending, we are of the opinion that interests of justice would be met, if the detenu is released subject to the condition that he shall leave the Hyderabad Metropolitan Development Authority (HMDA) Area and live outside the said area till 14.9.2016, i.e., the date on which the period of detention comes to an end. This measure, in our opinion, would prevent the detenu from continuing his alleged activities and also there is a likelihood of change in his attitude. The learned counsel for the petitioner stated that the detenu is prepared to give a written undertaking to the above effect addressed to respondent No.2 and handover to the Superintendent, Central Jail, Chanchalguda, in which he is presently detained.

Accordingly, the impugned detention order is quashed and the detenu is directed to be released subject to his giving written undertaking, addressed to respondent No.2 and handing over the same to the Superintendent, Central Jail, Chanchalguda, before he is

released, to the effect that on his release from the detention he will immediately leave the HMDA area and live outside the said area till 14.9.2016. The Superintendent, Central Jail, shall forward the undertaking to respondent No.2. It is made clear that the undertaking given by the detenu shall not be construed as his admitting the guilt in the pending criminal cases against him and it is further made clear that if the detenu repeats the commission of the offences in future, the respondents shall be free to take appropriate action in accordance with law.

Subject to the above directions, the writ petition is allowed.

C.V. NAGARJUNA REDDY, J

G. SHYAM PRASAD, J

15-06-2016

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