

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

WRIT PETITION No.16525 of 2016

DATED:- 20-12-2016

Between:

Bhanwar Lal

..... PETITIONER

AND

The State of Telangana, rep.by its Principal
Secretary, General Administration Department,
Secretariat, Hyderabad and another

.....RESPONDENTS

COUNSEL FOR THE PETITIONER : Sri CH DHANAMJAYA

COUNSEL FOR RESPONDENTS : The Asst.G.P. for AG (TG)

THE COURT MADE THE FOLLOWING:



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

WRIT PETITION No.16525 of 2016

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

The younger brother of the petitioner, by name, Manish Genaram Prajapathi (for short "the detenu") was detained under the provisions 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") for allegedly committing theft of cheques from the ATM drop boxes in the limits of Hyderabad Police Commissionerate, Dwaraka Police Station of Visakhapatnam City and Shampukur Police Station of Kolkata of West Bengal State. Cr.Nos.34/2016, 42/2016, 43/2016 and 44/2016 on the file of Ramgopalpet Police Station for the offences under sections 454, 380, 467, 468, 471 and 420 r/w. 34 IPC were registered against the detenu. A common allegation in all these cases, as reflected from the impugned detention order, is that the CCTV footages relating to commission of offences were collected from HDFC Bank, Paradise branch.

The main ground of challenge to the detention order is that the crucial evidence of CCTV footages, based on which the impugned detention order was passed, have not been furnished to the detenu. As the counter affidavit filed by respondent No.2 is silent on this aspect, this court adjourned the case on 30.11.2016 to enable the respondents to address this aspect.

In the reply affidavit, it is stated on behalf of the detenu that on the instructions of the counsel, the petitioner could secure a copy of the

CD from the police station, wherein the presence of the detenu is not seen.

Today, at the hearing, the learned Asst.Govt.Pleader, representing the learned Advocate General (TG) submitted that the copies of CCTV footages have not been furnished to the detenu. Inasmuch as the detenu is entitled to supply of all material documents, based on which the detention order has been made and CCTV footages being very important documents which formed the basis for registration of all the four crimes, non-supply thereof has deprived the detenu of the valuable opportunity of making proper representation against his detention before the Advisory Board as well as before respondent No.1.

In view of the above reasons, the detention order cannot be sustained and the same is accordingly quashed. The detenu shall be released from the detention unless he is required in connection with any other case or crime.

This writ petition is, accordingly, allowed. No order as to costs.

C.V.NAGARJUNA REDDY,J

M.S.K.JAI SWAL,J

Date: 20.12.2016
Dsr