

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.26732 of 2016

ORDER (Per Hon'ble Sri Justice Sanjay Kumar)

Challenge in this writ petition is to the detention of the petitioner's husband, Kishore Singh @ Kishore, who was subjected to preventive detention under the Order of Detention dated 24.06.2016 passed by the Commissioner of Police, Hyderabad City, in exercise of power 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. The said detention was confirmed by the Government of Telangana under G.O.Rt.No.1999, GENERAL ADMINISTRATION (SPL.(LAW & ORDER) DEPARTMENT, dated 09.09.2016, extending the detention for a period of 12 months from the date of his actual detention, 25.06.2016.

Though various issues are raised in the affidavit filed in support of the writ petition, Smt. B. Mohana Reddy, learned counsel for the petitioner, would assert that the earlier decisions of this Court would cover the matter and that independent adjudication of each of the aspects raised is not necessary.

Learned counsel would state that the petitioner only knows Hindi but the documents relied upon by the detaining authority which were thereafter supplied to the detenu were in English language and no translated copies thereof were made available to him.

The material placed before this Court demonstrates that the assertion is true as documents relied upon by the detaining authority, copies of which were furnished to the detenu, were not only in Hindi language but also in English and Telugu languages. There is no indication of translated copies of these

documents having been made available to the detenu. It appears that the detenu signed his name in English but Smt. B. Mohana Reddy, learned counsel, would state that except to the extent of signing his name, the detenu has no knowledge or understanding of the English language.

The settled legal position in a matter of this nature is that the State must necessarily make available translated copies of all the relevant documents relied upon by the detaining authority to the detenu to give full meaning to the constitutional right afforded to such a detenu to make an effective representation against the detention. If the detenu is not apprised of the full details and material relied upon by the detaining authority, he would invariably be adversely affected in exercising his constitutional right under Article 22.

Learned Assistant Government Pleader for Home, State of Telangana, would state that some of the material relating to the criminal cases was translated into Hindi and copies thereof were furnished to the detenu. He however concedes that apart from this, only the order of detention and the grounds of detention were translated and copies thereof were furnished to the detenu in Hindi but not the other documents which were in English and Telugu.

In the light of this admitted failure on the part of the State, the detention of the petitioner's husband, Kishore Singh @ Kishore, stands vitiated and cannot be sustained.

The Writ Petition is accordingly allowed setting aside the detention order dated 24.06.2016 passed by the Commissioner of Police, Hyderabad City, in relation to the petitioner's husband, Kishore Singh @ Kishore, and also the consequential confirmation thereof *vide* G.O.Rt.No.1999, dated 09.09.2016. The detenu, Kishore Singh @ Kishore, shall be set at liberty forthwith unless his confinement is required in relation to any other case.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M. SEETHARAMA MURTI, J

29.09.2016

Vjl

