

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

AND

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

W.P.No. 14921 OF 2016

DATED 01ST NOVEMBER, 2016

Between:

K.Shalini

... Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary, Home Department,
Secretariat, Hyderabad, and others

.... Respondents

Counsel for the petitioner : Sri P.Sreenivasulu

Counsel for the respondents : G.P. for Home (T.S.)



THIS COURT MADE THE FOLLOWING

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

The daughter of Ch.Elia (hereinafter referred to as 'the detenu') filed this Writ Petition for issue of *Habeas Corpus* for the release of the detenu by quashing proceedings S.B.(I).No. 149/PD/S-1/2016 dated 19-03-2016.

2. We have heard learned counsel for the petitioner and learned Government Pleader for Home (T.S.).

3. The detenu was detained under Section 3 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'), by respondent No. 3 *vide* his order dated 19-03-2016. This order was approved by respondent No. 1 *vide* G.O.Rt.No. 745 General Administration (Law & Order) Department dated 29-03-2016. The Advisory Board, in its review meeting on 28-04-2016, reviewed the detention of the detenu and submitted its report to the Government. A perusal of the impugned detention order shows that at this stage, this Writ Petition is filed.

4. Learned counsel for the petitioner submitted that the respondents have foisted three false cases against the detenu with a view to detain him under the Act and that the detention order is, therefore, illegal.

5. Learned Government Pleader for Home (T.S.) opposed the above submission and submitted that as the activities of the detenu fall within the definition of "Goonda" under clause (g) of Section 2 of the Act, he is detained under the Act and that, therefore, the detention order is not liable for interference.

6. A perusal of the detention order would show that respondent No. 3 has relied upon three criminal cases, namely; (1) crime No. 362 of 2015 under Sections 380 and 420 of the Indian Penal Code (for short, 'I.P.C.') of Chikkadpally Police Station, (2) crime No. 349 of 2015 under Sections 379 and 420 I.P.C. of Osmania University Police Station and (3) crime No. 47 of 2016 under Sections 379 and 420 of Amberpet Police Station. From the nature of the allegations pertaining to each of the crimes, there could be no doubt that

the activities of the detenu, namely; that by diverting the attention of the management of the cloth shops, the detenu has been steeling valuable sarees, thereby creating fear in the minds of the owners of the cloth shops, if proved, are prejudicial to the public order and the same disturb the even tempo of public life. The submission of learned counsel for the petitioner that these cases were falsely foisted does not merit acceptance at this stage because while examining the legality or otherwise of the order of detention, this Court will not probe into the correctness or otherwise of the allegations on which the offences have been registered. Under clause (g) of Section 2 of the Act, "Goonda" means a person, who either by himself or as a member of or leader of a gang, habitually commits, or attempts to commit or abets the commission of offences punishable under Chapter XVI (offences affecting human body) or Chapter XVII (offences against property) or Chapter XXII (criminal intimidation, insult and annoyance) of the Indian Penal Code. If the allegations against the detenu are proved, the alleged activities of the detenu undoubtedly fall within the definition of "Goonda" and the fact, that within a span of six months, the detenu has allegedly indulged in commission of as many as three offences, itself would show that he is a habitual offender. In the light of these reasons, we are unable to accept the submission of learned counsel for the petitioner.

8. Having carefully considered the facts of the case and the grounds of detention, we do not find any illegality in the impugned detention order and the Writ Petition is, accordingly, dismissed.

9. As a sequel to dismissal of the Writ Petition, W.P.M.P.No. 18537 of 2016 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

M.S.K.JAISWAL, J.

Date: 01-11-2016
JSK