

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

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

W.P.No. 36569 OF 2015

DATED 21ST JUNE, 2016

Between:

P.Praveen Kumar

... Petitioner

AND

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

... Respondents

Counsel for the petitioner : Sri V.Venkata Mayur

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)

This Writ Petition is filed by the brother of one P.Veda Vyas (hereinafter referred to as 'the detenu') for issue of Writ of *Habeas Corpus* to set aside proceedings No. 512/PD/S-1/2015 dated 09-09-2015, whereby the detenu was detained under the provisions of Section 3 (2) of the Telangana Prevention of Dangerous Activities of Boot Leggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and land Grabbers Act, 1986 (for short, 'the Act of 1986').

2. The detenu was accused in as many as four criminal cases. All the four crimes, namely; Crime Nos. 131, 147, 205 and 231 of 2015 were registered under Section 382 of the Indian Penal Code of Nallakunta/Amberpet Police Station as the case may be. The charge against the detenu is that he has been snatching gold chains including Mangala Sutrams from the womenfolk using force in public places/streets. Pending the criminal cases, the detenu was detained under the impugned proceedings by the 2nd respondent, whereunder it was alleged that the detenu is a 'Goonda' engaging himself in unlawful activities and indulging in snatching of gold chains including Mangala Sutrams. It is further alleged that the activities of the detenu have been creating large scale fear and panic among the womenfolk, adversely affecting the public order. In the grounds of detention, the details of all four criminal cases have been referred to and it is further stated that the detenu was arrested on 25-08-2015 in Crime No. 147 of 2015 of Nallakunta Police Station and remanded to judicial custody in connection with all the four cases, that there is a genuine possibility of his release on bail and that on such release, the detenu may further indulge in similar activities which are prejudicial to maintenance of public order.

3. The 2nd respondent filed a detailed counter affidavit, wherein he has *inter alia* stated that the detenu was involved in as many as four offences of chain snatching within a short period from 14-06-2015 to 26-07-2015 which shows that he is a habitual offender and, thereby, he attracts the definition of 'Goonda' under Section 2 (g) of the Act of 1986. He has further stated that with a view to prevent him from repeating commission of offences in future and to prevent disturbance of public order, his detention was necessitated.

4. At the hearing, learned counsel for the petitioner has advanced two submissions, namely; (1) that the detenu was acquitted in all criminal cases by separate judgments on 22-04-2016 and (2) that the order of the 1st respondent confirming the order of detention was passed with considerable delay.

5. As regards the first submission, the law is fairly well settled that the jurisdiction of the High Court under Article 226 of the Constitution of India to examine the legality and validity of a detention order is confined to considering whether the procedural safeguards prescribed under Articles 19, 21 and 22 of the Constitution of India and the extant Acts, under which the detention orders are passed, have been scrupulously followed and that once the court is satisfied on this aspect, it will not probe further into any other aspect including the professed innocence or otherwise of the detenu

(See *Borjahan Gorey Vs. State of West Bengal*^[1], *Ashim Kumar Ray Vs. State of West Bengal*^[2], *Abdul Aziz Vs. D.M. Burdwan*^[3], *Debu Mahato Vs. State of West Bengal*^[4], *Haradhan Saha Vs. The State of West Bengal and others*^[5] and *Rekha Vs. State of Tamil Nadu*^[6]).

The law is further settled to the effect that the satisfaction of the detaining authority is subjective in nature and not objective and that the Courts will not dwell deep into the material relied upon by the detaining authority in order to find out whether the satisfaction was properly arrived at or not (See

The State of Bombay Vs. Atma Ram Sridhar Vaidya^[7], *Rameshwar Shaw Vs. District Magistrate, Burdwan*^[8], *Dr. Ram Manohar Lohia Vs.*

State of Bihar*^[9], *Union of India Vs. Paul Manickam*^[10], *Pebam Ningol

Mikoi Devi Vs. State of Manipur*^[11] and *M.R. Subramanian Vs. State of

***Tamil Nadu*^[12]**). The Courts also further held that mere acquittal in criminal cases would not *ipso facto* render the detention order invalid and that if the detaining authority is satisfied that there is a reasonable possibility of the detenu repeating commission of offences if he is not detained, he is entitled to pass detention order notwithstanding acquittal of the accused. In the instant case, by the time the detenu was detained, the criminal cases were pending. The subsequent event of his acquittal, therefore, cannot render the detention order invalid. The allegations against the detenu are grave in nature which, if found true, in our opinion disturb the even tempo of public life.

6. As regards the second submission of learned counsel for the petitioner, under Article 22 (4) of the Constitution of India, the order of preventive detention cannot be passed for a period longer than three months unless the Advisory Board has reported, before the expiration of the said period of three months, that there is in its opinion sufficient cause for such detention. From the facts of this case, it is evident that the detention order, which was passed on 09-09-2015, was confirmed on the advice of the Advisory Board who has given its opinion on 26-10-2015 which is well within the period of three months and the 1st respondent has issued G.O.Rt.No. 2567 dated 26-11-2015 confirming the order of detention before the expiry of three months.

7. For the abovementioned reasons, we do not find any illegality or procedural irregularity in the impugned detention order. Hence, the Writ Petition is dismissed.

8. As a sequel to dismissal of the Writ Petition, W.P.M.P.No. 47102 of 2015 and W.P.M.P.Nos. 11627 and 23316 of 2016 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

Date: 21-06-2016
JSK

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- [\[1\]](#) (1972) 2 SCC 550
 - [\[2\]](#) (1973) 4 SCC 76
 - [\[3\]](#) (1973) 1 SCC 301
 - [\[4\]](#) (1974) 4 SCC 135
 - [\[5\]](#) (1975) 3 SCC 198
 - [\[6\]](#) (2011) 5 SCC 244
 - [\[7\]](#) AIR 1951 SC 157
 - [\[8\]](#) (1964) 4 SCR 921 : AIR 1964 SC 334
 - [\[9\]](#) AIR 1966 SC 740 : 1966 SCR (1) 709
 - [\[10\]](#) (2003) 8 SCC 342
 - [\[11\]](#) (2010) 9 SCC 618
 - [\[12\]](#) (2012) 4 SCC 699