

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

-
WRIT PETITION No.9518 of 2016
-

ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

Challenge in this writ petition is to the detention of the petitioner's son, Mohd. Ibrahim Khaleel, under Order of Detention, dated 04.11.2015 passed by the Commissioner of Police, Cyberabad, which was confirmed thereof by the Government of Telangana under G.O.Rt.No.198, General Administration (Law & Order) Department, dated 29.01.2016.

2. Though various grounds are sought to be urged by *Sri L.Harish*, learned counsel for the petitioner, in support of his attack against the detention of the petitioner's son, we are of the opinion that the matter is amenable to resolution on a simple ground. Copies of the material relied upon by the detaining authority and, thereafter, furnished to the detenu are placed before us. Perusal thereof reflects that several documents are handwritten Telugu documents. Four confessional panchamas recorded in Crime No.113 of 2015 on the file of Shamshabad PS and the report, which formed the basis of registration of Crime No.129 of 2015 on the file of Pahadishariff PS, are handwritten and in Telugu language. Admittedly, the petitioner's son only knows English and Urdu languages and the receipt obtained by the authorities from him on 05.11.2015, in evidence of his having received the copies of the detention order and the grounds of detention, bears out the same.

3. This being the factual situation, in the light of the law laid down by this Court in **Vasanthu Sumalatha v. State of Andhra Pradesh**^[1], the State failed in its constitutional duty of making available to the detenu the material relied upon by the detaining authority in a language known and understood by him. In a situation of this nature, it was incumbent upon the State to make available the translated copies of the Telugu documents in Urdu or English language so as to enable the detenu to know and understand the contents thereof. Failure in this regard would invariably have an adverse effect upon the detenu's constitutional right of effectively making a representation against his detention.

4. In the light of the admitted failure on the part of the State, the Writ Petition is allowed. We accordingly set aside the order of detention dated 04.11.2015 passed against the petitioner's son, Mohd. Ibrahim Khaleel, by

the Commissioner of Police, Cyberabad, and the consequential confirmation thereof by the Government of Telangana under G.O.Rt.No.198 dated 29.01.2016. The petitioner's son, Mohd. Ibrahim Khaleel, shall be set at liberty forthwith unless his confinement is required in relation to any other case.

No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

SANJAY KUMAR, J

M. SEETHARAMA MURTI, J

30th August, 2016
RAR

[\[1\]](#) 2016 (1) ALT 738 (D.B)