

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

WRIT PETITION No.41390 of 2015

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Dated: 28.06.2016

Between:

Mirza Mahboob Baig, w/o. Mirza Kareem Baig
.. Petitioner.

And

The State of Telangana, rep. by its
Chief Secretary, Home Department,
Secretariat, Hyderabad,
and others.
.. Respondents.

Counsel for the Petitioner: Mr. B.Parameswara Rao

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

The Court made the following:

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ORDER: (*Per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)
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The petitioner, who is the father of one Mirza Mohammad Abdullah Baig @ Faheem @ Mirza @ Faheem Mirza (hereinafter referred to as 'the detenu'), filed this writ petition for issue of *habeas corpus* by directing the respondents to release the detenu after setting aside the detention order S.B.(I).No.614/PD/S-1/2015, dated 26.11.2015, of respondent No.2.

2. We have heard the learned counsel for both the parties and perused the record.

3. A perusal of the detention order dated 26.11.2015 passed under 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') shows that the detenu was involved in six criminal cases since the year 2005. That after the acquittal of the detenu in two criminal cases on 08.09.2009, the detenu has again committed three offences i.e., Crime No.9 of 2007 for an offence under Section 392 IPC on the file of Sanathnagar Police Station, Crime No.35 of 2007 for an offence under Section 382 IPC on the file of Chaderghat Police Station and Crime No.39 of 2007 for the offences under Sections 364 (A), 384, 506 IPC and Section 25 (1) (a) of Arms Act read with Section 411 IPC on the file of Kukatpally Police Station. It is further revealed from the record that after a case was settled in Lok Adalat, the detenu has allegedly committed another offence, for which Crime No.568 of 2015 on the file

of Jubilee Hills Police Station was registered for the offences under Sections 307, 332, 120 (B) IPC and Section 25 (1) (a) & Section 27 of Arms Act, 1959, and he was arrested on 20.08.2015 and remanded to judicial custody. Thereafter the detenu was released on bail, *vide* release order dated 29.10.2015 by the Court of XVII Additional Chief Metropolitan Magistrate, Hyderabad. Based on the long criminal history of the detenu and with a view to prevent him from acting in any manner prejudicial to the maintenance of public order, the impugned detention order dated 26.11.2015 has been passed.

4. On 13.01.2016, the State Advisory Board has sent a report in favour of detention, based on which the detention order was stated to have been confirmed by respondent No.1. Except pleading that the cases registered against the detenu are false, no legal ground has been urged for invalidating the detention order. Since the law is well settled that the satisfaction of the detaining authority being subjective in nature, this Court cannot examine the correctness or otherwise of the allegations based on which the detention order is passed. The fact remains that the detenu is facing the afore-discussed criminal cases and from the nature of the offences registered against him, it cannot be said that the alleged activities of the petitioner did not disturb the public order. Therefore, we do not find any merit in this writ petition and the same is, accordingly, dismissed.

5. As a sequel to dismissal of the Writ Petition, WPMP.No.53432 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

T.SUNIL CHOWDARY, J

28.06.2016
v v