

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

AND

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

W.P.No. 11081 OF 2016

DATED 01ST NOVEMBER, 2016

Between:

Parveen Begum ... Petitioner

AND

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

Counsel for the petitioner : Sri K.Amarnath Yadav

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 wife of Mohd. Saleem (hereinafter referred to as 'the detenu') filed this Writ Petition for issue of *Habeas Corpus* for the release of the detenu by quashing G.O.Rt.No. 445 General Administration (Law & Order) Department dated 23-02-2016.

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. 2 *vide* his order dated 02-12-2015. This order was approved by respondent No. 1 *vide* G.O.Rt.No. 3270 General Administration (Law & Order) Department dated 11-12-2015. Based on the report and opinion of the Advisory Board on preventive detention cases dated 21-01-2016, respondent No. 1 has confirmed the detention order by the impugned G.O.

4. Learned counsel for the petitioner submitted that the respondents have foisted four false cases against the detenu with a view to detain him under the Act and that the detention order is, therefore, illegal. He has further submitted that as the petitioner and the detenu had language problem, they could not explain themselves properly before the Advisory Board on preventive detention cases, causing grave injustice to the detenu.

5. Learned Government Pleader for Home (T.S.) opposed the above submissions and submitted that proper opportunity was given to the detenu to explain his case before the Advisory Board and that on considering the gravity of the offences and on being satisfied that the detenu is a habitual offender, the Advisory Board has approved the action of respondent No. 2 in detaining the detenu and that based on the report of the Advisory Board, respondent No. 1 has issued the impugned G.O.

6. A perusal of the detention order would show that respondent No. 2 has relied upon four criminal cases, namely; (1) crime No. 204 of 2014 under

Sections 384 and 506 of the Indian Penal Code (for short, 'I.P.C.'). (2) crime No. 177 of 2015 under Sections 364 (A) and 394 read with Section 34 I.P.C., (3) crime No. 185 of 2015 under Sections 364 (A) and 384 read with Section 34 I.P.C. and (4) crime No. 186 of 2015 under Sections 364 (A) and 384 read with Section 34 I.P.C. of Mangalhat 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; extortion of money either through rowdy mamools or through kidnapping for ransom *etc.*, 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 less than one year, the detenu has allegedly indulged in commission of as many as four 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.

7. As regards the second submission of learned counsel for the petitioner, in the counter affidavit of respondent No. 2, it is *inter alia* averred that the petitioner and the detenu appeared before the Advisory Board on 20-01-2016 and upon hearing both of them and after perusing the grounds of detention and connected records, the Advisory Board has opined that there is sufficient

cause for the detention of the detenu. No reply affidavit is filed controverting these submissions. Having regard to the aforementioned submissions in the counter affidavit, which remained uncontroverted, the second submission of learned counsel for the petitioner does not deserve acceptance.

8. For the aforementioned reasons, we do not find any illegality in the impugned detention order. The Writ Petition is, therefore, dismissed.

C.V.NAGARJUNA REDDY, J.

M.S.K.JAISWAL, J.

Date: 01-11-2016
JSK

