

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

WRIT PETITION NO.21465 OF 2016

DATED:16-11-2016

Between:

Navaneetha ... Petitioner

And

The State of Telangana
Through the Chief Secretary
Secretariat, NTR Marg, Public Garden
Khairatabad
Hyderabad
Telangana
and another ... Respondents

COUNSEL FOR THE PETITIONER: Smt. Y. Harini

COUNSEL FOR THE RESPONDENTS: G.P. for Home (TS)



THE COURT MADE THE FOLLOWING:

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

This writ petition is filed for issue of habeas corpus to produce one Mr. Karna Raju, husband of the petitioner, from detention, by setting aside the order of detention.

A perusal of the impugned detention order shows that the detenu is allegedly accused of four offences which, in our opinion, are petty in nature. Having regard to the petty nature of the alleged offences, we have no doubt in our mind that the same do not cause disturbance to public order and instead at best it can be said that they pertain to law and order problem. The respondents, instead of dealing with the detenu under ordinary criminal laws, have unnecessarily invoked the provisions of the preventive detention law which are held to be draconian and intended to deal with habitual offenders whose acts constitute disturbance to public order.

For the aforementioned reasons, the writ petition is allowed and the impugned detention order is set aside. The detenu is directed to be released from the detention forthwith, if he is not required in any other case.

As a sequel to disposal of the writ petition, W.P.M.P. No.26354 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

M.S.K. JAISWAL, J

16-11-2016

bnr