HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE G. SHYAM PRASAD

Writ Petition No.31421 of 2016

ORDER: *(per V. Ramasubramanian, J.)*

Challenging an order of preventive detention passed under the A.P. Act 1 of 1986, the uncle of the detenu has come up with the present writ petition seeking issuance of writ of habeas corpus.

2. Mr. N. Ashwani Kumar, learned counsel for the petitioner submitted today that the order of preventive detention was passed in G.O.Rt.No.3514 General Administration Department dated 27.11.2015 and that the period of one year has already expired. But the grievance of the petitioner is that still the petitioner is languishing in jail.

4. Though the learned Special Government Pleader agreed that a period of one year has passed from the date of the order of the preventive detention, he stated that the question whether the petitioner continues to be in jail or not, has to be ascertained from the concerned authorities.

5. But we are of the considered opinion that the normal order that we pass in such cases would take care of every contingency. Once the period of detention is over, the writ petition does not survive for adjudication. But at the same time the detenu cannot be continued to be detained pursuant to the same order of detention though he could be detained pursuant to any order passed by a court of competent jurisdiction.

6. Therefore, while holding the writ petition as having become infructuous, we direct the respondents to release Karri Rajesh, S/o Karri Nookeswara Rao, if he is not in custody pursuant to any order passed in respect of any other crime.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

Date: 15-12-2016

Ksn