

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

WRIT PETITION NO.13422 OF 2017

ORDER

(Per Hon'ble Sri Justice Sanjay Kumar)

The petitioner seeks a writ of habeas corpus to produce her husband, Putta Kurmaiah @ Chotu, who is presently housed in the Central Prison, Charlapally, Ranga Reddy District, pursuant to the order of detention dated 21.12.2016 passed by the Commissioner of Police, Cyberabad Commissionerate, under Section 3 of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986. The said order of detention was approved by the Government of Telangana, *vide* G.O.Rt.No.2820 dated 31.12.2016 and was thereafter confirmed for a period of 12 months commencing from 24.12.2016, *vide* G.O.Rt.No.568 dated 27.02.2017.

Perusal of the affidavit reflects that the petitioner raised only two grounds to challenge her husband's detention. Firstly, she would contend that the police have implicated her husband in false cases though he was in no way concerned with the same. In this context, she would state that the order of detention was passed mechanically without application of mind on vague, irrelevant and non-existing grounds. The second ground cited by her is that she is pregnant and her due date of delivery is 25.05.2017 and being alone, she would not be able to discharge the responsibility of delivering the child alone.

Sri D.V.Shrikanth, learned counsel for the petitioner, would inform this Court that the petitioner safely delivered a male child. Therefore, this ground no longer survives for consideration.

As regards the other issue, we find that the Commissioner cited as many as seven criminal cases in which the petitioner's husband was involved as the grounds for detention. It appears that the petitioner's

husband is charged with various offences in connection with chain snatching and also theft of a bike. The Commissioner also recorded in the order of detention that the cases registered against the petitioner's husband under the ordinary law had not shown any deterrent effect and he was continuing to indulge in similar offences in public places in an organized fashion. It is therefore borne out that the petitioner's husband is categorized as a habitual offender.

In the light of the cases cited which seemed to have occurred within a relatively short period of time, it is clear that the alleged activities of the petitioner's husband impact public order. Further, it is for the prosecution to establish the guilt of the petitioner's husband in the criminal cases already registered against him and this Court cannot go into that aspect of the matter in exercise of writ jurisdiction.

Be it viewed from any angle, this Court finds no merit in either of the grounds alleged by the petitioner in support of her challenge against the impugned detention of her husband.

The writ petition is therefore devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

T.AMARNATH GOUD, J

25th OCTOBER, 2017

PGS