

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE Ms. JUSTICE J. UMA DEVI

WRIT PETITION NO.42361 OF 2016

DATED:07-06-2017

Between:

Phoolvati ... Petitioner

And

The State of Telangana
Rep. by its Chief Secretary
General Administration (Law and Order) Department
Secretariat Buildings, Hyderabad
and another ... Respondents

COUNSEL FOR THE PETITIONER: Smt. B. Mohana Reddy

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 by the wife of one Mr. Gopal @ Bhainsa, seeking setting aside of his detention order passed by respondent No.2 vide proceedings in S.B.(I) No.406/PD/S-1/2016, dt.23.8.2016, as confirmed by respondent No.1 vide G.O. Rt. No.2283, General Administration (Spl. Law & Order) Department, dt.17.10.2016.

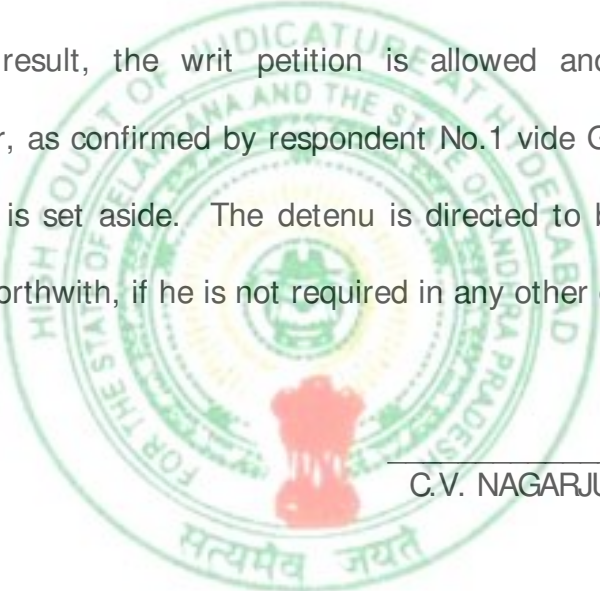
2. At the hearing, Smt. B. Mohana Reddy, learned counsel for the petitioner, advanced two submissions, namely, (i) that the alleged activities of the detenu at the most would cause disturbance to law and order and not public order, and (ii) that respondent No.2 has not arrived at a proper satisfaction as to the likelihood of the detenu, who was in the judicial custody at the time of passing of the detention order, to be released on bail in connection with two out of the three criminal cases.

3. The learned Government Pleader for Home (TS) made a strong bid to support the detention order.

4. We have carefully heard the learned counsel for both parties and perused the record. In order to detain the detenu, respondent No.2 has referred to three criminal cases all of which were registered in the year 2016 over a period of less than two months only. In Crime No.54 of 2016 it is alleged that the detenu has deceived one Borra Babu Rao, S/o. Late Chennaiah, by taking away his gold finger ring after making him sit in a cabin in Arya Megha Hospital. In Crime No.43 of 2016 the detenu has allegedly taken away a sum of Rs.2,500/- from one P.C. Polaiah, S/o. Balaiah, mocking himself as a public officer, and in Crime No.47 of 2016, the detenu allegedly committed theft of a small purse from handbag of Smt. Fatima Jabeen, W/o. Syed Nisar Mehdi thereby stealing cash of Rs.14,000/-, ID cards etc. From the nature of the offences alleged

against the detenu, we find merit in the submission of the learned counsel for the petitioner that the activities of the detenu at best are threat to law and order and it cannot be said that they are of such a magnitude which disturb public order. As held in *Dr. Ram Manohar Lohia v. State of Bihar*¹ and *Arun Ghosh v. State of West Bengal*² in order to cause disturbance to public order, an act must be such that it disturbs the even tempo of public life. Even if we take the allegations in all the three crimes referred to in the detention order on their face value, it cannot be said that they disturb the even tempo of public life. On this ground alone, the impugned detention order is liable to be set aside.

5. In the result, the writ petition is allowed and the impugned detention order, as confirmed by respondent No.1 vide G.O. Rt. No.2283, dt.17.10.2016, is set aside. The detenu is directed to be released from the detention forthwith, if he is not required in any other case or crime.



C.V. NAGARJUNA REDDY, J

J. UMA DEVI, J

07-06-2017

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Note: LR copies to be marked.

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¹ AIR 1966 SC 740

² (1970) 1 SCC 98