

*IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH*

WRIT PETITION No.37729 of 2016

Between:

Ruksana Parveen,
W/o Shaik Abdul Rehman

... Petitioner

And

The State of A.P. repled by its Chief Secretary
General Administration Department, Velagapudi
and three others

... Respondents

JUDGMENT PRONOUNCED ON 14-06-2017

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

HON'BLE MS. JUSTICE J.UMA DEVI

1. Whether Reporters of Local newspapers : Yes/No
may be allowed to see the Judgment?
2. Whether the copies of judgment may be
marked to Law Reporters/Journals? : Yes/No
3. Whether Their Lordships wish to
see the fair copy of the Judgment? : Yes/No

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE J.UMA DEVI

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< Gist:

> Head Note:

! Counsel for the Petitioner: Mr. Vinod Kumar Deshpande
for Mr. Vikas Joshi

^ Counsel for the Respondents: Mr. C.S. Surya Prakash
Special Government Pleader

? Cases Referred:

(1980) 4 Supreme Court Cases 531

(1999) 2 Supreme Court Cases 413

2016 (2) ALD (Cr1.) 966

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..... Respondents

Counsel for the petitioner: Mr. Vinod Kumar Deshpande

For Mr. Vikas Joshi

Counsel for the respondents: Mr. C.S.Surya Prakash

Special Government Pleader

The Court made the following:

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

This Writ Petition is filed for issue of Writ of *Habeas Corpus* directing the respondents to release Shaik Abdul Rehaman @ Abdul Rahimin @ Rehaman @ Rahiman (hereinafter referred to as "the detenu") after quashing proceedings, vide Ref.No.C1/917/M/2016, dated 13.10.2016, of respondent No.2 and G.O.Rt.No.2173, General Administration (Law and Order) Department, dated 22.10.2016, of respondent No.1.

The only ground urged at the hearing is that the detenu, who studied only up to 4th Class, was not supplied with translated copies of the material relied upon by the respondents in the grounds of detention, **except** the detention order, into the language known to him, *i.e.*, Kannada, as a result of which, serious prejudice has been caused to him. In support of this plea, Mr. Vinod Kumar Deshpande, learned senior counsel appearing for the petitioner, placed reliance on the judgments of the Apex Court in *Smt. Icchu Devi Choraria V. Union of India*¹ and *Powanammal V. State of T.N.*² and the judgment of this Court in *Renu Kumar Bagalakoti V. State of Telangana and others*³.

In *Smt. Icchu Devi Choraria* (1st supra), the Supreme Court accepted the plea of the detenu that requirement of

¹ (1980) 4 Supreme Court Cases 531

² (1999) 2 Supreme Court Cases 413

³ 2016 (2) ALD (CrI.) 966

Article-22(5) of the Constitution of India is that the detaining authority should not only communicate to the detenu the grounds on which the order of detention has been made, but also furnish all the statements and documents relied upon in the grounds of detention within the stipulated time.

In *Powanammal* (2nd *supra*), the Supreme Court held that non-supply of copies of documents relied on in the grounds of detention in the language known to the detenu is fatal and the detention order is liable to be quashed on that ground alone.

In *Renu Kumar Bagalakoti* (3rd *supra*), a Division Bench of this Court speaking through one of us (*CVNR, J*) held that non-supply of translated copies of material, on which reliance was placed in the order of detention, vitiates the same.

The object behind the requirement of furnishing translated copies of the documents in the language known to the detenu is to enable him to know the contents thereof in order to make an effective representation.

In the instant case, admittedly, the only language known to the detenu is Kannada and except the detention order all other material is either in Telugu or in English, the languages with which the detenu is not acquainted. Therefore, the impugned order of detention is not sustainable and the same is, accordingly, quashed.

The Writ Petition is, accordingly, allowed.

As a sequel to disposal of the Writ Petition, WPMP.No.52858 of 2016 filed by the petitioner for interim relief is disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE J.UMA DEVI

14th June 2017

Note:

LR copies

B/o

DR

