

**THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

Writ Petition No.21531 of 2017

ORDER: (oral)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide present petition, the petitioner has challenged the detention order dated 23.02.2017 and subsequent order passed by the respondents whereby the detenu is detained under the detention w.e.f. 14.01.2017.

2) Learned counsel appearing on behalf of the petitioner argued the present petition was filed on the ground that the detenu was taken into illegal custody on 09.01.2017 and thereafter four cases were registered as mentioned in the grounds 5 to 8 in the present petition against the detenu and finally he was arrested on 14.01.2017 in Crime No.24 of 2017 registered on 12.01.2017 for the offences punishable under Section 447, 506 IPC, Section 25(1)(a) and 27 of Arms Act in Karimnagar Rural PS, Karimnagar District. Immediately thereafter on 12.01.2017, the brother of the detenu made a complaint to the State Human Rights Commission regarding the illegal custody of the detenu taken on 09.01.2017. Just to cover the said illegal detention, the respondents registered four cases and shown that those cases were registered against the detenu. Thereafter, he was taken into custody on 14.01.2017 to curtail his activities passed detention order dated 23.02.2017.

3) We put a specific query to the respondents that if the detenu was taken into custody on 09.01.2017 as alleged by the petitioner and made

report on 12.01.2017 before the arrest date i.e, 14.01.2017, then it is justified that after filing the complaint before the State Human Rights Commission, they arrested on 14.01.2017. In reply to the said query, learned counsel for respondents submits that on 11.01.2017, Crime No.15/2017 was registered at Karimnagar I Town PS for the offences punishable under Sections 341, 323, 384, 506 IPC and Sections 25(1)(a) of Arms Act and Crime No.13/2017 was registered by Karimnagar III Town PS on 11.01.2017 for the offences punishable under Sections 384, 506 IPC and Sections 25(1)(a) and 27 of Arms Act. In addition to above, on 12.01.2017, case was registered vide Crime No.24/2017 of Karimnagar Rural PS for the offences punishable under Section 447, 506 IPC and Section 25(1)(a) and 27 of Arms Act. Moreover on 24.01.2017, Crime No.35/2017 was registered by the LMD Colony PS, Karimnagar District, for the offences punishable under Sections 452, 384, 506 r/w 34 IPC and Sec.25(1)(a) of Arms Act. Learned counsel submits that since cases were registered against the detenu as mentioned above on 11.01.2017 and 12.01.2017 and therefore, the brother of the detenu made a complaint to the State Human Rights Commission.

4) Learned counsel for the petitioner further argued that after the detention order dated 23.02.2017, the petitioner made representation to the Advisory Board on 30.03.2017. He argued that thereafter the petitioner did not make any representation, however vide order dated 20.04.2017, the Principal Secretary to the Government of Telangana, has rejected the representation which was not made by the petitioner.

5) We have carefully perused the order dated 20.04.2017 wherein it is stated that with reference to representation dated 30.03.2017, it is informed that the Government have carefully examined the contents of the representation and observed that there are no valid grounds and reasons made therein to set aside the detention order. Accordingly, the same was rejected.

6) The order passed by the Principal Secretary is based on the decision of the Advisory Board for the reason, the Government has to take final call on the decision taken by the Advisory Board on the representation made on behalf of the detenu. Admittedly, the representation of the detenu was rejected by the Advisory Board on 30.03.2017. It is admitted case that thereafter they did not representation to the Government on behalf of the detenu. Therefore, the Government issued memo No.82/Spl. (L&O)/A2/2017-2 dated 20.04.2017 confirming the order passed by the Advisory Board.

7) In view of the above, we find no illegality or perversity in the orders passed by the respondents. Finding no merit in the present petition, the same is accordingly dismissed. No costs.

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

SURESH KUMAR KAIT, J

U.DURGA PRASAD RAO, J

Dt: 21.11.2017

scs/murthy