

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE DR. JUSTICE SHAMEEM AKTHER**

WRIT PETITION NO.5922 of 2017

O R D E R

(Per Hon'ble Sri Justice Sanjay Kumar)

The petitioner seeks a writ of Habeas Corpus to produce her husband, Sunny Yadav alias Sunny, S/o Ramesh Yadav, who is detained in Central Prison, Cherlapally, Hyderabad, pursuant to the order of detention dated 04.11.2016 passed by the Commissioner of Police, Hyderabad City, in exercise of power under Section 3(2) of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (for brevity, 'the Act of 1986'), after declaring his detention to be illegal. This order of detention was approved by the Government of Telangana *vide* G.O.Rt.No.2466 dated 10.11.2016 and was thereafter confirmed for a period of twelve months from the date of the detention, 05.11.2016, *vide* G.O.Rt.No.120 dated 11.01.2017.

Learned counsel for the petitioner would state that the grounds of detention on the strength of which the petitioner's husband was subjected to detention relied upon Crime No.247 of 2016, Crime No.263 of 2016 and Crime No.265 of 2016, all on the file of Maredpally Police Station, and that this Court had occasion to deal with the co-accused in Crime Nos.247 and 263 of 2016 on the file of Maredpally Police Station, who was also subjected to preventive detention, in W.P.No.42652 of 2016.

A copy of the order dated 27.06.2017 passed in the said writ petition is placed on record and perusal thereof reflects that this Court came to the conclusion, upon due consideration of all aspects in the matter, that the alleged activities in relation to these crimes did

not fall within the ambit of 'public order' but only involved 'law and order'.

Perusal of the record reflects that the third crime involving the petitioner's husband in the present case, viz., Crime No.265 of 2016, was similar in nature to the other two crimes which were considered by this Court in the aforestated writ petition.

That being so, the subjective satisfaction of the detaining authority, the Commissioner of Police, Hyderabad City, that the activities of the petitioner's husband in relation to the aforestated three crimes impacted public order cannot be accepted.

For reasons alike as were mentioned in the order dated 27.06.2017 passed in W.P.No.42652 of 2016 and in terms thereof, the writ petition is allowed holding the detention of the petitioner's husband, pursuant to the order of detention dated 04.11.2016, confirmed by the Government of Telangana under G.O.Rt.No.120 dated 11.01.2017, as illegal. The said order of detention and its confirmation are accordingly set aside. The petitioner's husband, Sunny Yadav alias Sunny, S/o Ramesh Yadav, who is detained in Central Prison, Cherlapally, Hyderabad, shall be set at liberty forthwith unless his detention is required in connection with any other case.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

DR. SHAMEEM AKTHER, J

9th AUGUST, 2017

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