

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

WRIT PETITION No.28366 of 2016

ORDER : (Oral)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner has challenged the order dated 3rd May 2016, whereby, the husband of petitioner is put under detention.

2. Learned counsel appearing on behalf of petitioner submits that the husband of petitioner is in the business of selling furniture; he hails from Bidar of Karnataka State; he is an illiterate; he can speak and understand Urdu and Kannada only; he cannot write either Urdu or Kannada. He further submits that the documents relied upon are supplied by the detaining authority in English language, which is contrary to Article 22(5) of the Constitution, due to which, the detenu failed to make effective representation to the authorities.

3. On the other hand, learned Public Prosecutor appearing on behalf of respondents has drawn the attention of this Court to Page No.199 of the paper book which establishes that the petitioner has refused to receive the detention order and the grounds of detention. Thereafter, as is evident from page 199 of the paper book, the respondent sent all the relied upon documents to the petitioner through registered post. The learned Prosecutor submits that thereafter, the petitioner never made any representation regarding non-receipt of the documents in his known language. Thus, he has lost the opportunity to raise such issue at this stage.

4. On perusal of order dated 3rd May 2016, we note the total cases registered against the petitioner are 121 and in majority of the cases, the gold chain or other gold articles were recovered. Consequently, the detaining authority recorded in the detention order that the detenu has been indulging in chain snatching offences and robberies repeatedly and consistently, thus, created fear and panic among the women. As per the past criminal record of detenu, there is every possibility that he will, in all probabilities, continue to commit chain snatchings and robberies and terrorise women in the limits of Cyberabad Commissionerate and Medak District. Accordingly, the detaining authority thought it appropriate to prevent the detenu from acting in any manner prejudicial to the maintenance of public order. It is further observed in the detention order that the detenu was arrested on 22.12.2015 in Crime No.754 of 2015 for the offences under Sections 356 and 382 of IPC by Uppal Police and remanded to judicial custody. It is observed that there is genuine possibility of his being released on bail and on being released, he would again indulge in the same activities which are prejudicial to the public order.

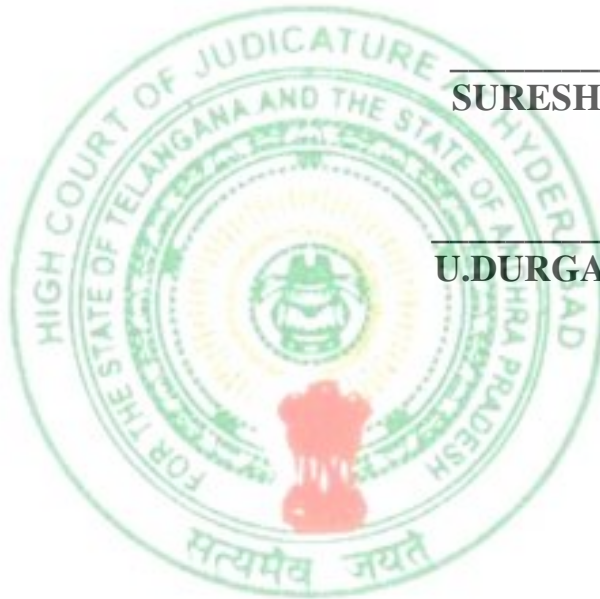
5. It is not in dispute that neither the detenu nor the petitioner had made any representation to any authority regarding non-supply of the relied upon documents in the known language of the detenu. Therefore, we find no substance in the submission of the counsel for petitioner that the respondents have not supplied the documents in the known language of the detenu. The detaining authority would initially furnish the detention order and the grounds of detention upon the detenu and then only would come to know the known language of the detenu. Accordingly, as per Section 8(2) of The Telangana Prevention of Dangerous Activities of Boot Leggers, Dacoits,

Drug-Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986, the detaining authority has to furnish relied upon documents in the language known to the detenu. In the present case, there was no occasion before the detaining authority to know the known language of the detenu and even thereafter, no representation is made by the detenu. Therefore, we find no illegality or perversity in the detention order.

6. Writ petition is accordingly dismissed. No costs. Pending miscellaneous applications, if any, shall stand closed.

19th April 2017

ajr



SURESH KUMAR KAIT, J

U.DURGA PRASAD RAO, J