

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

WRIT PETITION No.4330 of 2017

ORDER: (per Justice Sanjay Kumar)

By way of this writ petition, Ayesha Fatima, the sister of the detenu, Mohd. Akbar alias Abbu alias Akbar, seeks his release from the Central Prison, Chanchalguda, Hyderabad, where he has been detained pursuant to the order of detention dated 11.11.2016 passed by the Commissioner of Police, Hyderabad City, which was executed on 18.11.2016. Thereafter, after considering the recommendations of the Advisory Board, the Government of Telangana confirmed the detention under G.O.Rt.No.122, General Administration (Spl.(Law & Order) Department, dated 11.01.2017, for a period of twelve months with effect from 18.11.2016.

Smt. B. Mohana Reddy, learned counsel for the petitioner, would place before us a copy of the Aadhar Card bearing No.844565829012 issued by the Unique Identification Authority of India, Government of India, on 03.02.2012 in the name of the detenu, Mohd. Akbar. Therein, the year of birth of the detenu is shown as 1999.

That being so, as on 11.11.2016 when he was subjected to preventive detention under the order of detention dated 11.11.2016, the detenu could, at best, have been only 17 years of age. The provisions of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986, being draconian in nature, cannot be used against a minor.

Though the learned Assistant Government Pleader for Home would contend that no material was ever produced by the petitioner or the

detenu in proof of the detenu being a minor earlier, we are of the opinion that once adequate evidence is produced to this effect, the benefit of doubt would necessarily have to be given to the detenu. The Aadhar Card issued as long back as in the year 2012 cannot be doubted.

On this short ground, the order of detention dated 11.11.2016 passed by the Commissioner of Police, Hyderabad City, and its subsequent confirmation *vide* G.O.Rt.No.122, General Administration (Spl.(Law & Order) Department, dated 11.01.2017, are set aside. The detenu, Mohd. Akbar alias Abbu alias Akbar, shall be set at liberty forthwith from the Central Prison, Chanchalguda, Hyderabad.

The writ petition is allowed. 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

Date:02.08.2017

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