

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

WRIT PETITION No.34388 OF 2016

ORDER: (Oral)

(Per the Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner has challenged the detention order dated 08.08.2016 issued by the second respondent and the same has been approved by the first respondent on 17.08.2016, and thereafter, reviewed by the Advisory Board on 01.09.2016. Consequently, the confirmation order was passed by the first respondent on 27.09.2016 for detention of 12 months from the date of detention.

2. Admittedly, the detenu is the native of Kanpur Town, Uttar Pradesh State. As stated in the present petition, he knows only Hindi and does not know English and Telugu languages. Whereas, some of the material papers, which have been relied upon by the detaining authority, such as FIR, confessional statements and other relevant material have been supplied to the detenu in Telugu language only.

3. The counter-affidavit filed by the respondent No.2, which is on record, whereby stated that the order of detention and the grounds of detention containing all the details have been supplied to the detenu in English, Hindi and Telugu languages. The documents relied on for passing the order of detention, have been furnished in English and Telugu languages after explaining him in his mother tongue. It is further stated that the detenu made a representation to the Advisory Board and the said Board reviewed

the case on 01.09.2016 after hearing the detenu besides his father, Fida Hussain and his son, Mohd Kaif. It is further stated that the detenu has studied upto Intermediate and he speaks and understands Hindi and English languages. As such, it cannot be said that the detenu does not know the English language and he knows only Hindi.

5. If we agree with the submissions made by the learned Government Pleader appearing for the respondents and averments made in the counter-affidavit, the detenu knows Hindi and English languages only. However, nowhere, it is stated in the counter-affidavit that the detenu knows Telugu language.

6. We note and which is not in dispute that following relied on documents are neither in English nor in Hindi language but are in Telugu only.

S.No.	Crime No. & Date	Detenu	FIR Nos. page	Remarks
1.	Crime No.135 of 2015, dated 15.06.2015	A-13	Page Nos. 277 to 291	Page No.280 in Telugu
2.	Crime No.49 of 2015, dated 18.06.2015	A-27	Page No.323	Page Nos. 325 to 327 in Telugu
3.	Crime No.60 of 2015, dated 20.06.2015	A-29	Page No.343	Page Nos. 346 of 354 in Telugu
4.	Crime No.164 of 2015, dated 04.07.2015	A-25	Page No.400	Page Nos. 402 to 404 in Telugu
5.	Crime No.102 of 2015, dated 24.08.2015	A-32	Page No.415	Page Nos. 418 of 447 in Telugu
6.	Crime No.152 of 2015, dated 08.09.2015	A-19	Page No.509	Page Nos. 510 to 519 in Telugu

7.	Crime No.88 of 2015, dated 10.09.2015	A-11	Page No.552	
8.	Crime No.159 of 2015, dated 15.09.2015	A-6	Page No.600	Page Nos. 603 to 622 in Telugu and not visible.

7. It is pertinent to mention here that vide order dated 15.03.2017 the respondents were directed to produce the representation made by the detenu on his behalf to the Advisory Board. However, the respondents have failed to produce the same. On 15.03.2017, the learned counsel for the petitioner has produced a Photostat copy of letter dated 18.08.2016, written in Hindi, made to the Chief Secretary, State of Andhra Pradesh, received on the same day by the Joint Secretary of the State Government, whereby it was stated that the District Collector of Kadapa passed the detention order and kept the detenu in the Central Jail, Kadapa District. The jailer of said jail has supplied the detention order and grounds in Hindi language, however, the complete documents have been supplied in Telugu, which is not known language to the detenu.

8. The learned Government Pleader for the respondents disputed the said representation and asserted that the father of the detenu made a representation to the Advisory Board, therefore, the rights of the detenu are not affected in making effective representation.

8. However, in the letter dated 18.8.2016, the father of the detenu specifically made a representation to the Chief Secretary, that the detenu had not received the relied upon documents in the known language.

9. It is seen that in the crime numbers mentioned in para-6, the documents were supplied to the detenu only in Telugu language, which is admittedly, not known language to him.

10. Keeping in view the above discussion continued detention of detenu pursuant to the impugned detention order dated 08.08.2016 passed by the second respondent in Ref.No.C1/511/M/2016, is hereby quashed. Consequently, the Superintendent, Central Prison, Kadapa District, is directed to release the detenu i.e, Nafis Hussain, forthwith, if not required in any other case.

11. Accordingly, the Writ Petition is allowed.

Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE SURESH KUMAR KAIT.

JUSTICE U. DURGA PRASAD RAO.

Date : 22-03-2017
Gvl