

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**AND**

**THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

**W.P.No.16764 of 2018**

**Date: 18.07.2018**

Between:

Smt.Rachna Bai W/o.Datta Singh @ Datta @ Sattar,  
Aged 33 years, Occ: Housewife,  
R/o.H.No.13-1-1137/A, Upper Dhoolpet,  
Hyderabad. ... Petitioner

And

The State of Telangana,  
rep. by its Deputy Secretary,  
General Administration  
(Special Law and Order) Department,  
Secretariat, Hyderabad  
and two others. ... Respondents

Counsel for the Petitioner : Mr. P.Prabhakar Reddy  
submitted in the Court  
that he has given up  
Vakalat.

Counsel for the Respondents : G.P. for Home (TS)

**The Court made the following:**

**Order:** (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for issue of Habeas Corpus, directing the respondents to produce Datta Singh @ Dattu @ Sattar S/o.Sardar Singh (for short 'alleged detenu') and release him forthwith, in the light of Memo.No.61(Spl(L&O)/A2/2018-2 dated 24.03.2018 of respondent No.1

2. In the counter affidavit filed by respondent No.2, he has *inter alia* stated that the Advisory Board in its review meeting held on 23.03.2018, upon hearing the detenu, besides his wife, mother and the investigating officers concerned, submitted a report to the Government on 15.04.2018, to the effect that there is sufficient cause for detention of the detenu. He has further stated that when Memo. dated 24.03.2018 came to the knowledge of the deponent through the Government Pleader for Home, he has addressed a letter dated 02.05.2018 to the Government, seeking clarification whether the said Memo. filed by the petitioner is genuine or false. That, in reply to the said letter, the Government has informed that its General Administration Department has not issued the said Memo. dated 24.03.2018, for release of the detenu and that the same is a fake Memo. That, the Government also informed that based on the Advisory Board's opinion, G.O.Rt.No.739 G.A. (Spl.L&O) Department dated 18.04.2018 was issued, confirming the detention

order. That, on receipt of the said information, the Raidurgam Police Station, Cyberabad, registered F.I.R.No.255 of 2018 under Sections 420, 468 and 471 I.P.C., against the petitioner herein, who has filed the fake release order before this Court and took up investigation in the matter.

3. Having regard to the serious allegations that the writ petition is filed based on a fake document, purporting to be the order of the Advisory Board, we have passed an order on 03.07.2018, directing issue of notice to the petitioner, as to why she should not be ordered to be prosecuted for perjury. On 10.07.2018, the petitioner was personally present in the Court and feigned ignorance before the Court. After hearing the petitioner and her counsel, we have passed the following order:

“The petitioner is personally present in the Court. She feigns ignorance about the fake Memo. dated 24.03.2018. She stated that she along with one Mr.Dinesh, a Computer Operator, who also visits High Court, approached one Mr.Avinash, Advocate, who inturn, has entrusted the case to Mr.P.Prabhakar Reddy.

Mr.P.Prabhakar Reddy, learned counsel for the petitioner, stated that he was asked to given up his vakalat by the party and he has accordingly given up his vakalat and handed over the case to Mr.Avinash, Advocate.

Mr.Avinash, Advocate, who has been present in the Court, has agreed with the statement of Mr.P.Prabhakar Reddy and stated that he has handed over the No Objection Vakalat of Mr.P.Prabhakar Reddy to the party.

Till today, the name of Mr.P.Prabhakar Reddy, as counsel for the petitioner, continued to appear, as no one entered appearance by filing vakalat in his place.

The learned Government Pleader for Home submitted that a case has been registered on the file of Raidurg Police Station and investigation is in progress. Surprisingly, he stated that as the where-abouts of the petitioners are not known till today, they could not achieve any progress in the investigation.

Before issuing any directions, we feel it appropriate that Mr.Avinash files an affidavit placing on record the facts within his knowledge. Therefore, the case is posted to 17.07.2018.

Mr.Avinash, Advocate, is directed to file his affidavit by 17.07.2018.”

4. On 17.07.2018, the following order was passed:

“Mr.Avinash Singh, Advocate, has filed his affidavit wherein he has stated that the petitioner has handed over all the papers to him which were in turn entrusted to Mr.P.Prabahakar Reddy, who later gave up his brief on the insistence of the petitioner and her brothers. The learned Government Pleader for Home (TS) on instructions submitted that after Section 41-A Cr.P.C. notice was issued to the petitioner, she has not submitted her explanation.

At the hearing, the petitioner is personally present. Smt.B.Mohana Reddy, learned counsel appearing for the petitioner, submitted that her client will go to the Raidurg Police Station from the Court itself for giving a statement and she will cooperate with the Police. The learned counsel requested for a day's adjournment for reporting on the above aspect

Post on 18.07.2018.”

5. Today, the learned G.P. submitted that after the petitioner gave her statement in the Raidurgam Police Station on 17.07.2018, she has been arrested. He has also submitted that the police have recorded the statement of Mr.Avinash Singh, Advocate and also that the investigation is in progress.

6. It needs to be noted that after the present writ petition was filed, the same petitioner has filed W.P.No.17342 of 2018, questioning the detention order.

7. Though Mr.P.Prabhakar Reddy has given up his brief, the petitioner failed to make any alternative arrangement to argue the writ petition. In the light of the fact that there is serious cloud on the genuineness or otherwise of Memo. dated 24.03.2018, based on which, relief in the present writ petition is claimed and a criminal case is pending in that regard, no relief on said Memo. can be granted. But at any rate, no one has pleaded the petitioner's cause at the hearing.

8. Therefore, the writ petition is dismissed, however, with the direction to the respondents to take the investigation to its logical end, by identifying the persons who are responsible for producing the alleged fake document before the Court and prosecute them according to law.

---

**(C.V.Nagarjuna Reddy, J)**

---

**(Gudiseva Shyam Prasad,J)**

Date: 18<sup>th</sup> July, 2018

msb

