

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

W.P.No.26715 of 2018

Date:20.9.2018

Between.

A.Srinivas,
S/o A.Nagaiah

....Petitioner

And.

The State of Telangan,
reptd by its Principal Secretary,
General Administration Department, Hyderabad
and another.

....Respondents

Counsel for the petitioner: Mr. Challa Dhanamjaya

Counsel for the respondents: AGP for Home (TS)

The Court made the following:

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Writ Petition is filed for issue of *Habeas Corpus* directing the respondents to release Avula Ganesh @ Suresh @ Shiva Reddy, S/o Srinivas, (the detenu) from detention by setting aside order and proceedings No.SB(I)No.7/PD-3/HYD/2018, dated 09.01.2018, of respondent No.2 as confirmed by G.O.Rt.No.453, General Administration (Spl.Law & Order) Department, dated 09.3.2018, passed by respondent No.1.

At the hearing, Mr. Challa Dhanamjaya, learned counsel for the petitioner, submitted that the detenu is an accused in a series of cases registered under the Immoral Traffic (Prevention) Act, and that, in connection therewith, respondent No.2 has passed the impugned detention order, which was confirmed by respondent No.1. He further submitted that in cases of this nature, this Court is setting aside the detention orders subject to the condition that the detenu shall leave the jurisdiction of the Commissionerate concerned and stay away from the said area till the expiry of the remainder period of detention.

Learned Assistant Government Pleader for Home (TS) fairly conceded the above submission.

In the light of the above, the impugned detention order, vide proceedings No.SB(I)No.7/PD-3/HYD/2018, dated 09.01.2018, of respondent No.2, as confirmed by G.O.Rt.No.453, dated 09.3.2018, of respondent No.1, are set aside, without

going into the merits of the case, but on the consensus reached between the parties, subject to the following conditions:

(i) The detenu shall be released forthwith from the detention, subject to his giving a written undertaking addressed to respondent No.2 to the effect that he shall leave the Hyderabad Police Commissionerate limits and live outside the said area till the detention period is over, and handing over the same to the Superintendent of the Central Prison, Chanchalguda, Hyderabad, in which he is presently detained.

(ii) it is made clear that if the detenu repeats his conduct of committing the offences in future, the respondents shall be free to initiate a fresh action against him in accordance with law.

(iii) The detenu is, however, permitted to enter the Hyderabad Police Commissionerate limits only for the limited purpose of attending the jurisdictional Courts in connection with all the criminal cases, which are pending against him.

Subject to the above directions, the Writ Petition is allowed.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE GUDISEVA SHAYM PRASAD

20th September, 2018

DR