

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

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

W.P.No.29844 of 2018

Date: 20.02.2018

Between:

Smt.Varalaxmi W/o. B.Nuka Raju,
Aged about 40 years, Occ: Housewife,
R/o.H.No.8-3-169/160, Indira Nagar,
Borabanda, Hyderabad.

...

Petitioner

And

The State of Telangana,
rep. by its Chief Secretary,
Secretariat, Hyderabad
and two others

...

Respondents

Counsel for the Petitioner :

Mr.K.Ravinder Reddy for
Mr.M.A.K.Mukheed

Counsel for the Respondents:

GP 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, by setting aside proceedings No.13/PD/CCRB/CYD/2017 dated 01.08.2017 of respondent No.3, as confirmed vide G.O.Rt.No.1491 dated 07.07.2017 by respondent No.1, wherein the husband of the petitioner by name B.Nuka Raju (alleged detainee), has been detained under the provisions of Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders, Land Grabbers, Spurious Seed Offenders, Insecticide Offenders, Fertiliser Offenders, Food Adulteration Offenders, Forest Offenders, Gaming Offenders, Sexual Offenders, Explosive Substances Offenders, Arms Offenders, Cyber Crime Offenders and White Collar or Financial Offenders Act, 1986 (for short 'the Act').

2. The gravamen of the allegation against the alleged detainee is that, he is indulging in immoral trafficking and he is accused in several cases, out of which, four cases have been relied upon in the grounds of detention.

3. The learned counsel for the petitioner submitted that in some cases, where the provisions of the Act have been invoked for detaining the persons accused of being involved in immoral trafficking, this Court has been setting aside the detention orders,

subject to the condition that the detainee shall leave the areas of the territorial jurisdiction of the authority which passed the detention order, for the residuary period of detention.

4. The learned Government Pleader submitted that as the detainee was carrying on his activities within the Commissionerate of Cyberabad, a part of Hyderabad Corporation area, it is not desirable to permit him to live within the jurisdiction of Hyderabad Commissionerate also. We are convinced with this submission and accordingly, we direct the release of the detainee, subject to the condition that he shall, immediately on his release, leave the limits of Cyberabad and Hyderabad Commissionerate areas and shall not re-enter these areas, till the expiry of the residuary period of detention i.e. up to 31.07.2018. The detainee shall give an undertaking in writing, to this effect, addressed to respondent No.3 and hand the same over to the Superintendent, Cherlapally Jail, who in turn shall forward the same to respondent No.3. If the detainee violates this undertaking and re-enters the areas within the jurisdiction of the two commissionerates as referred to above, the respondent No.3 or any other competent authority is entitled to take appropriate action against him, in accordance with law.

5. Subject to the above conditions, the impugned detention order passed by respondent No.3, and as confirmed by respondent No.1, are set aside.

6. The writ petition is, accordingly allowed, to the extent indicated above.

7. As a sequel, miscellaneous applications are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Date: 20th February, 2018

msb

