

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice T.Amarnath Goud

W.P.No.33705 of 2018

Date: 09.11.2018

Between:

Seema Sarkar

....Petitioner

And:

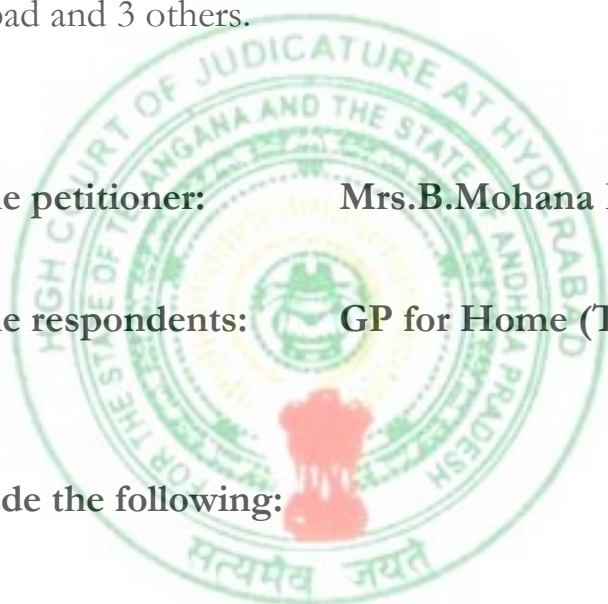
The State of Telangana,
Rep. by its Chief Secretary,
General Administration (Law and Order)
Dept., Hyderabad and 3 others.

....Respondents

Counsel for the petitioner: Mrs.B.Mohana Reddy

Counsel for the respondents: GP 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 the petitioner's husband *viz.*, Sri Pradeep Sarkar @ Pradeep @ Sanju (for short 'the *detenu*') from detention by setting aside Proceeding No.27/PD-ACT/CCRB/RCKD/2018, dated 05.07.2018, of respondent No.2.

At the hearing, Mrs.B.Mohana Reddy, learned Counsel for the petitioner, submitted that the *detenu* is an accused in a series of cases registered under the Immoral Traffic (Prevention) Act, 1956, and that, in connection therewith, respondent No.2 has passed the impugned detention order. She 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.

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

In the light of the above, the impugned detention order, *vide* Proceeding No.27/PD-ACT/CCRB/RCKD/2018, dated 05.07.2018, of respondent No.2, is 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 Rachakonda 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, Cherlapally, 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 Rachakonda 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.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Dt: 9th November, 2018
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