

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO.1140 OF 2019

27.06.2019

Between:

Pathi Narsaiah

...Petitioner

and

The State of Telangana and others

...Respondents

Counsel for the petitioner : Mr. A. Prabhakar Rao

Counsel for the respondents: Mr. S. Sharath Kumar, Special

Government

Pleader

The Court made the following:



ORDER: (Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

Mr. A. Prabhakar Rao, the learned counsel for the petitioner, submits that the present detenu, Mr. Pathi Kumara Swamy, and Mr. Patri Someshwar @ Somu were co-accused in Crime No.142 of 2018 for offences under Sections 120-B, 143, 148, 364, 342, 302, 201 read with 149 I.P.C and 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Basing on these offences, the respondent No.2 had passed the detention order on 19.07.2018 and the respondent No.1 had passed the confirmation order on 01.10.2018 in the present case. Similarly, the detention order was also passed in the case of Mr. Patri Someshwar @ Somu. He has challenged his detention order in W.P.No.41168 of 2018. The said writ petition was decided by this Court by judgment dated 20.06.2019. This Court had already quashed the detention order passed against Mr. Patri Someshwar @ Somu and had directed him to be set at liberty. Hence, the present case is equally covered by the judgment in the case of Mr. Patri Someshwar @ Somu.

Therefore, an identical order is passed in the present petition also as under:

The writ petition is allowed. The impugned detention order dated 19.07.2018 and the confirmation order dated 01.10.2018 are hereby set aside. The respondents are directed to immediately release the detenu, Pathi Kumara Swamy, S/o. Narsaiah, from preventive detention, although he shall continue to be an under-trial in Crime No.142 of 2018 till he is released on bail, if any, granted by the Court.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, CJ

DR. SHAMEEM AKTHER, J

27th June, 2019
JSU



High Court for the State of Telangana

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AND

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WRIT PETITION NO.1140 OF 2019

(Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

Date: 27.06.2019

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