

**THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

WRIT PETITION No.1843 of 2019

ORDER: *(per the Hon'ble Justice Sri A.Rajasheker Reddy)*

This writ petition is filed challenging the order of detention dated 07.06.2018 passed by the second respondent under Section 3(2) of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (for short, 'the Act') on the ground that the detenu - Gadila Bhairaiiah, who is the husband of the petitioner, was found to be a 'goonda' as defined under Section 2(g) of the Act and that his activities are prejudicial to the maintenance of public order.

2. In the impugned order of detention, it is stated that the detenu is involved in eight cases. However, in the grounds of detention, the detaining authority had relied on four cases viz., Crime No.352 of 2017 on the file of Kamareddy Police Station, Crime No.96 of 2017 on the file of Ramareddy Police Station, Crime No.77 of 2018 on the file of Kamareddy Police Station and Crime No.147 of 2018 on the file of Kamareddy Police Station, which were committed by the detenu in the recent past and which would prove his activities as prejudicial to the maintenance of public order. The said four cases were registered for the offences punishable under Sections 420 and 379 I.P.C. The impugned order of detention

was confirmed by the Government *vide* G.O.Rt.No.1619, dated 18.08.2018.

3. Learned counsel for the petitioner submits that out of the four criminal cases relied on by the detaining authority for passing the detention order, detenu was acquitted in two cases and there is no material before the detaining authority to come to a conclusion that the activities of the detenu fall within the definition of Section 2(g) of the Act and that the same does not amount to activities affecting the public order as defined under the provisions of the Act. He further submits that the material relied upon by the detaining authority has not been supplied to the detenu in his vernacular language and that there is no nexus to the material which is relied upon for passing the order of detention.

4. On the other hand, learned Government Pleader for Home submits that though the detenu is involved in eight crimes, the detaining authority has relied on only four crimes, which are of recent past, committed by the detenu one after the other after releasing on bail; that in the last crime i.e., Crime No.147 of 2018, on which the detaining authority has relied upon, the detenu was remanded to judicial custody and his bail application was dismissed and that the detaining authority was also conscious of the said fact.

5. In paragraph No.14 of the counter affidavit, it is categorically stated that the material relied upon by the

detaining authority was supplied to the detenu in the language known to him and the detenu acknowledged the receipt of the same duly signing on each page in the presence of the jail authorities and that the Jailor also attested the same. No reply affidavit is filed rebutting the same.

6. A reading of the detention order goes to show that the detaining authority noted the modus operandi of the detenu in committing the crime. The aspect as to whether the allegations are true or not cannot be gone into in this writ petition where a challenge is made to the detention order.

7. Acquittal of the detenu in two cases out of four cases relied on by the detaining authority for passing the detention order, is not sufficient to quash the detention order. The manner in which the crimes are committed is sufficient to show that after obtaining bail in the crimes, the detenu went on committing crimes. Further, for passing an order of detention, it is not a pre-requisite that prosecution should be initiated against the person and even a single crime is sufficient for the detaining authority to come to a conclusion that the activities of the detenu are prejudicial to maintenance of public order.

8. In view of the above, we do not see any reason to accept the contention of the learned counsel for the petitioner that the preventive detention order is unlawful on the ground that out of four criminal cases, detenu was acquitted in two cases. Therefore, we do not see any reason to invalidate the

impugned detention order by exercising the power under Article 226 of the Constitution of India.

9. The writ petition is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

A.RAJASHEKER REDDY, J

Date: 11.03.2019
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