

High Court for the State of Telangana

The Hon'ble The Chief Justice Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice A. Abhishek Reddy

W.P. No. 20806 of 2019

Date: 26-09-2019

Between:

Humera Gowhar

...Petitioner

And

The State of Telangana
Through General Administration
(Spl. (Law & Order) Department
Rep. by its Prl. Secretary
Hyderabad & 3 others

...Respondents

Counsel for the petitioner: Mr. Mohd. Islamuddin Ansari

Counsel for the respondents: Mr. Sripathi Santosh Kumar
GP attached to the office of the AAG

The Court made the following:

Order: (per Hon'ble The Chief Justice Raghvendra Singh Chauhan)

Mrs. Humera Gowjhar, the petitioner and the wife of the alleged *detenu*, namely Mohd. Farooq Ahmed @ Javeed, has filed the present Habeas Corpus petition *inter alia* on the ground that on 18-06-2019, her husband was picked up by the Station House Officer, Jadcherla Police Station, Mahabubnagar, the respondent No. 3. On 21-06-2019, he was falsely implicated in FIR. No. 214 of 2019. On 15-07-2019 and on 18-07-2019, the *detenu* has moved bail applications. While the first bail application dated 15-07-2019 was rejected by the concerned court, the second bail application dated 18-07-2019 is still pending before the concerned court. Although the police claims that the *detenu* is being preventively detained, a copy of the detention order has not been furnished to the *detenu*. Therefore, his continuous detention is an illegal one.

On the other hand, Mr. Sripathi Santosh Kumar, the learned counsel for the State, informs this Court that on 21-06-2019, the petitioner's husband was arrested in connection with FIR No. 214 of 2019. He was produced before the concerned Judicial Magistrate, who has sent him to judicial custody. Subsequently, a preventive detention order has been passed by the detaining authority. Although the detaining authority has tried to serve a copy of the detention order upon

the *detenu*, according to the certificate dated 28-07-2018, issued by the Jailor, District Jail, Mahabubnagar, the *detenu* has refused to accept the said copy of the detention order. Therefore, as far as the present detention of the *detenu* is concerned, it is a legal one.

Heard the learned counsel for the parties, and perused the record.

Since a detention order has been passed against the *detenu*, his present custody cannot be said to be an illegal one. Of course, the petitioner is free to challenge the validity of the said detention order. However, as the said detention order is not under challenge before this Court, this Court does not find any merit in the present Habeas Corpus petition.

Therefore, the writ petition is, hereby, dismissed.

As a sequel, miscellaneous petitions, pending if any, stand dismissed as infructuous.

(Raghvendra Singh Chauhan, CJ)

(A. Abhishek Reddy, J)

Dt: 26th September, 2019
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