

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

WRIT PETITION No.36485 of 2018

ORDER: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

Heard the learned counsel for the petitioner and the learned Government Pleader for Home appearing for the respondents.

2. This petition is filed seeking a Writ of Habeas Corpus as against an order of preventive detention issued by the competent authority 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.

3. The detention order and the grounds of detention taken together show that five prejudicial activities were noticed by the detaining authority on the basis of the report of the sponsoring authority and those incidents are reflected in the grounds of detention.

4. The learned counsel for the petitioner pointed out that the detention order dated 08.06.2018 was considered by the Advisory Board on 17.07.2018 and was confirmed by the Government on 18.08.2018.

5. The first plea urged is that the confirmation order dated 18.08.2018 is not served on the detenu. It is not in dispute that the detention order dated 08.06.2018 and the grounds of detention which accompanied the detention order were served on the detenu. Such service of the detention order and the grounds of detention would serve the constitutional and statutory compulsions in terms of Article 22 of the Constitution and the provisions of the Act. We therefore repel the plea that the non-service of the confirmation order enures to the benefit of the detenu to have the detention order struck out.

6. The second plea urged on behalf of the detenu is that the materials supplied along with the detention order contained a couple of sheets, which were not legible, even according to the application filed on behalf of the detenu, is a copy of bail order. The non-service of the copy of the bail order or the service of a copy, which is not legible, is not decisive in such a matter where the order is the one which is already within the knowledge of the detenu and also because no prejudice is demonstrated to have been caused to the detenu by the non-service of a better copy of the bail order, which was passed in favour of the detenu in a criminal case.

7. The next argument advanced on behalf of the petitioner is that the grounds of detention would show that in one case, which is treated as a prejudicial activity, the provision of law quoted in one paragraph is Section 3(1)(v)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act'), whereas reference is made to Section 3(1)(h)(s) of the Act in another paragraph of the order. It is also pointed out that the translation shows the said provision as Section 3(2)(i)(r)(s) of the Act. On this foundation, the learned counsel for the detenu argued that erroneous inclusion of such provisions in the detention order and the grounds of detention clearly demonstrate non-application of mind as is due from the detaining authority on the material factors and particulars. We are of the view that this plea is not acceptable for reasons more than one. Firstly and more importantly, the reference to a particular legislation is made. The misquoting of certain provisions erroneously is not treated as an inclusion or an inference. The said situation leads to one of non-application of mind. For one thing, the detaining authority had before him the material particulars relating to the criminal case, in which, reference is made to the said provisions. Secondly and importantly, it needs to be remembered that it is not the actions or omissions attributable to the provisions of the Act, which has been critically taken into consideration by the detaining authority.

There are other provisions of the penal laws particularly of the Indian Penal Code and relevant provisions which by themselves have provided the inferential foundation to hold that there is reason for the detaining authority to conclude that upon release following bail, the detenu is likely to involve in different activities including ordinary thefts, attempts to murder, criminal intimidation, criminal trespass, cheating, arson, damage to public property etc.

8. The learned counsel for the detenu argued further that the detenu is a political activist and is being targeted by the rival political groups, who have manipulated and mechanized the institution of the criminal complaints.

9. We have gone through the contents of some of the material papers, which tend to indicate that there are no cases and counter-cases, as understood in criminal law, while some of the cases are materially different from the usual run-of-the-mill politically motivated litigations since we see that there are also cases where allegations are levelled regarding involvement in matrimonial matters.

10. On the whole, we are satisfied that the detaining authority had considered all the material particulars and facts as well as

materials, which were before him, and has attained subjective satisfaction to entertain the order of preventive detention, which has been issued. We do not see any error or illegality with the procedure in that regard. We also do not see any other ground vitiating the impugned preventive detention order on any ground referable to the consideration of the laws.

11. For the aforesaid reasons, the Writ Petition fails and the same is accordingly dismissed.

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

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 25.01.2019

A. RAJASHEKER REDDY, J

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