

**HONOURABLE THE CHIEF JUSTICE  
SRI THOTTATHIL B. RADHAKRISHNAN**

**AND**

**HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY**

**WRIT PETITION No.36284 OF 2018**

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

We have heard learned counsel for the petitioner in this writ petition seeking that the preventive detention order under C.No.31/PDC/KNR/2018, dated 12.03.2018, issued by respondent No.2 under Sub-Section (2) of Section 3 of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) (for short 'Act'), as approved by respondent No.1 through G.O.Rt.No.833, General Administration Law and Order Department, dated 03.05.2018, may be set aside. We have also heard learned Government Pleader for Home.

2. We have considered the material papers on record along with the pleadings including the counter affidavit.

3. The detenu was arrested on 11.01.2018 in connection with Crime No.170 of 2016 of Karimnagar Rural Police Station. On 12.03.2018, the preventive detention order was issued on the basis of prejudicial activities attributed to the detenu including the

substance of Crime No.170 of 2016. That order was served on him. The detention order has been confirmed by the Government also taking into consideration the report of the Advisory Board.

4. The learned counsel for the detenu argued that after interception of the detenu on 11.01.2018 in Crime No.170 of 2016, various other cases were foisted on him on the basis of so-called confessions and statements, which he was made to give. The confession statements are part of police papers. While the admissibility or not of those statements in terms of the provisions of the Indian Evidence Act, 1872, and other statutory provisions, would govern the trial of criminal cases, those materials cannot be ordered to be excluded from the purview of consideration by the competent detaining authority in relation to preventive detention matters. In arriving at subjective satisfaction, the detaining authority will take into consideration such matters as are relevant and required for the purpose of arriving at subjective satisfaction as to the need to keep the person concerned in preventive detention so as to exclude him from the possibility of getting involved in prejudicial activities, which are sought to be prevented by preventive detention laws contained in the aforesaid Act.

5. The learned Government Pleader for Home also submits that recoveries were effected on the basis of the disclosures made by the detenu. The validity of those discoveries and recoveries is also fundamentally a matter of trial. However, when such materials are

reflected in the police papers, they form part of the substratum of materials in support of the sponsoring of a particular person for being considered for preventive detention. The detaining authority is, therefore, within jurisdiction in terms of the Act to consider all such materials and arrive at subjective satisfaction.

6. Having examined the impugned preventive detention order, we do not see that there is any ground made out for interfering with it or to hold that subjective satisfaction was arrived at on unavailable materials or that on the basis of available materials, subjective satisfaction to detain the person concerned ought not to have been arrived at. We, however, notice that the learned counsel for the detenu has pointed out that there is some superficial error on the date stated in the confirmation order. The learned Government Pleader for Home says that the preventive detention order was executed on 13.03.2018. This issue will ultimately depend upon as to when the detention order was actually executed by its service on the detenu.

7. In the result, while repelling the challenge against the impugned order, we order this writ petition directing that the competent authority will look into whether there is any error in the dates shown in the order of confirmation and if so, ensure that there is no detention under the Act beyond the period of one year from the date of execution and enforcement of the preventive detention order on the detenu concerned. No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any pending, in the writ petition stand closed.

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**THOTTATHIL B. RADHAKRISHNAN, CJ**

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**A. RAJASHEKER REDDY, J**

**January 30, 2019.**  
**PV**