

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

AND

HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.44481 OF 2018

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

We have heard learned counsel for the petitioner and learned Special Government Pleader for the State of Telangana.

2. The detenu is characterized as a sexual offender and has been classified as one, whose apprehended activities would cause harm, which is to be prevented invoking the authority to issue preventive detention order under Section 3(2) of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers, Spurious Seed Offenders, Insecticide Offenders, Fertiliser Offenders, Food Adulteration Offenders, Fake Documents Offenders, Scheduled Commodities Offenders, Forest Offenders, Gaming Offenders, Sexual Offenders, Explosive Substances Offenders, Arms, Cyber Crime Offenders and White Collar or Financial Offenders Act, 1986(Act No.1 of 1986) (for short 'PD Act').

3. Hearing the learned counsel for the petitioner and the learned Special Government Pleader for the State of Telangana, we see that the detenu is accused in a solitary incident, which is attributed to him, and a crime is registered as Crime No.172 of 2018

on the file of Shamshabad Police Station, Cyberabad Commisionerate, for the offences punishable under Sections 363, 336, 376(1)(n) of Indian Penal Code, 1860, Section 3(2)(v)(a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 with Amendment Act 2015, and Section 3 read with Section 4 of the Protection of Children from Sexual Offences Act, 2012.

4. We have looked into the medical certificate of the victim, as available with the police papers and presented along with the writ petition, and the detenu stated to be Head Master of an educational institution, where the victim was a past student.

5. There was no material before the detaining authority to arrive at subjective satisfaction that the detenu is a repeat offender or that his activities would be carried forward in such a way that it becomes prejudicial to the society warranting preventive detention order under Section 2(v) of the PD Act.

6. The material facts and factors are such that the subjective satisfaction arrived at is not at all available on the material papers, which were served on the detenu. Therefore, we do not see that the impugned preventive detention order stands.

7. Therefore, the Writ Petition is allowed and the impugned preventive detention order in proceedings No.33/PD/CCRB/CYB/2018, dated 19.09.2018 of respondent No.2, as confirmed by respondent No.1 *vide* G.O.Rt. No.1973, General Administration

(Special (Law & Order) Department), dated 27-09-2018, is quashed.

The *detenu* viz., Syed Akbar, son of Syed Jaffar, shall be set at liberty forthwith from the detention, if he is not required in connection with any other case.

As a sequel thereto, Miscellaneous Petitions, if any pending, in the writ petition stand closed. No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

A. RAJASHEKER REDDY, J

March 19, 2019.

NOTE:

Advance Order already sent.

PV / SUR