

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.4056 OF 2021

ORDER: (Per Hon'ble Dr. Justice Shameem Akther)

Sri Dhamoder Gaddam, the petitioner, has filed the present Writ Petition on behalf of his son, Gaddam Ram @ Ram Shiva Shankara Vara Prasad, the detenu, challenging the detention order vide No.57/PD-CELL/CCRB/RCKD/2020, dated 28.10.2020, passed by the respondent No.2-Commissioner of Police, Rachakonda Commissionerate, and the consequential confirmation order, *vide* G.O.Rt.No.10, General Administration (Spl. (Law & Order)) Department, dated 04.01.2021, passed by the respondent No.1-Principal Secretary to Government, General Administration (Spl. (Law & Order)) Department, Government of Telangana.

2. We have heard the submissions of the learned counsel for the petitioner, the learned Assistant Government Pleader for Home appearing on behalf of the respondents and perused the record.

3. Learned counsel for the petitioner would submit that the impugned detention order was passed basing on two crimes registered against the detenu viz., Crime No.514 of 2020 of Medipally Police Station and Crime No.588 of 2020 of Petbasheerabad Police Station. The detention orders passed against the other accused in the said crime were already set aside by this Court vide common order, dated 22.02.2021, passed in W.P.No.257 of 2021 and batch and ultimately, prayed to set aside the impugned detention order.

4. Learned Assistant Government Pleader for Home did not dispute the submission made by the learned counsel for the petitioner.

5. As seen from the material placed on record and the submissions made, it is clear that the detention orders passed against the other accused in Crime No.514 of 2020 of Medipally Police Station and in Crime No.588 of 2020 of Petbasheerabad Police Station were already set aside by this Court vide common order, dated 22.02.2021, passed in W.P.No.257 of 2021 and batch. Moreover, the impugned detention order was passed by relying only on two crimes, viz., Crime No.514 of 2020 which was registered for the offences punishable under Sections 342, 395, 364-A and 506 of IPC and Crime No.588 of 2020 which was registered for the offences punishable under Sections 342, 364-A, 399 and 506 of IPC., which do not add up to disturbing the public order and it is only a law and order problem, and the satisfaction recorded by the detaining authority is erroneous. Under these circumstances and since the facts and circumstances of the present case are akin to the facts and circumstances of the said batch of cases, the impugned orders are liable to be set aside.

6. In the result, the Writ Petition is allowed. The impugned detention order *vide* No.57/PD-CELL/CCRB/RCKD/2020, dated 28.10.2020 passed by respondent No.2, and the consequential confirmation order *vide* G.O.Rt.No.10, General Administration (Special (Law & Order)) Department, dated 04.01.2021 passed by respondent No.1 are hereby set aside. The respondents are directed

to set the *detenu*, namely Gaddam Ram @ Ram Shiva Shankara Vara Prasad, S/o. Dhamoder, at liberty forthwith, if he is no longer required in any other criminal case.

Miscellaneous petitions, if any, pending in this writ petition, shall stand closed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

Dr. SHAMEEM AKTHER, J

Date: 09.04.2021
ssp