

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK

Writ Petition No. 40905 of 2022

ORDER: *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking the following relief:

“....to issue writ order or direction more particularly one in the nature of writ of Habeas Corpus under Article 226 of the constitution of India directing the 2nd respondent to produce detenue i e Abhiman Kalyan Pawar A-3 R/o H.No.68, B Paranda Road, Indira Nagar, Bhoom Town, and Tasil Osmanabad District, Maharashtra State, before this Honble Court forthwith by setting aside detention order to be released forthwith/set at liberty after declaring his detention order vide No 72/PD-CELL/CCRB/RCKD/2022 dt 9/5/2022 passed by the 2nd respondent and such other orders passed highly illegal and against the law laid down by Honourable Supreme Court in the case of Shaik Nazneen vs State of Telangana in SLP.Crl.No. 4260/2022.....”

2. Heard Mr. M.M.M. Srinivasa Rao, learned counsel for the petitioner and the learned Additional Advocate General, for the respondents.

3. Learned counsel for the petitioner contended that the petitioner's co-accused in Cr.No. 415 of 2022, pending on the file of Abdullapurmet Police station of Rachakonda Commissionerate, has approached this

Court by filing W.P.No.30694 of 2022; a Division Bench of this Court, vide orders, dated 23.09.2022 was pleased to allow the Writ Petition and set aside the detention orders and held that the *detenu* be set free. Further, the Division Bench was pleased to allow the said Writ Petition on the ground that the detention orders were passed based only upon the solitary crime registered against the petitioner, therein; in the instant case also, a solitary crime was registered against the petitioner; admittedly, the respondents herein have passed the detention orders based upon the solitary crime and when the co-accused in Cr.No.415 of 2021 had been set at free by the Division Bench of this Court in W.P.No.30694 of 2022, dated 23.09.2022, the present writ petition also deserves to be allowed on similar lines by following the order passed by the Division Bench of this Court in the W.P.No.30694 of 2022, dated 23.09.2022.

4. On the other hand, learned Additional Advocate General for the respondents does not dispute the above submission.

5. This Court, having considered the submissions made by the parties, is of the considered view that the present Writ Petition also deserves to be allowed by following the orders passed by a Division Bench of this Court in W.P.No.30694 of 2022, dated 23.09.2022.

6. Accordingly, Writ Petition is allowed. The impugned detention orders vide No.72/PD-CELL/CCRB/RCKD/2022, dt.09-05-2022, passed by the 2nd respondent, is hereby set aside. The respondents are directed to set the *detenu*, viz., Abhiman Kalyan Pawar, at liberty forthwith, in case, he is no longer required in any other criminal case. No costs.

7. As a sequel, miscellaneous applications pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

PULLA KARTHIK , J

Date: 25.01.2023
prat