

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.924 OF 2017
(@ SPECIAL LEAVE PETITION (CRL.) NO. 3646 OF 2017)

ARAVIND CHOUDHARY . . . APPELLANT(S)

VERSUS

STATE OF TELANGANA AND ANR . . . RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The appellant is aggrieved by the order passed by the High Court upholding the order of detention dated 27.08.2016 which was continued by the Government of Andhra Pradesh dated 27.10.2016 under the provisions of Andhra Pradesh Prevention of Dangerous Activities of Boot-Leggings, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986.

Learned counsel for the appellant, inter alia, relied upon the judgment of this Court in 2015 (13) SCC 722 *Cherukuri Mani W/o Narendra Chowdari Vs. The Chief Secretary, Government of Andhra Pradesh & Ors.*, and submitted that the period of detention cannot exceed three months as laid down in the said judgment.

We are unable to accept the submissions made by the learned counsel as the limit of three months is applicable to Section 3(2) of the above said Act and not to Section 3(1). This is clear from three judge Bench judgment of this Court in 1990 (2) SCC 456 *T. Devaki Vs. Government of Tamil Nadu and others* laying down as follows:

The expression "the State Government are satisfied that it is necessary so to do, they may, by order in writing direct that during such period as may be specified in the order" occurring in sub-section (2) of Section 3 relates to the period for which the order of delegation issued by the State Government is to remain in force and it has no relevance to the period of detention. The period as mentioned in Section 3(2) of the Act refers to the period of delegation and it has no relevance at all to the period for which a person may be detained.

The observations in judgment of this Court in *Cherukuri Mani W/o Narendra Chowdari (supra)* cannot be read contrary to the observation in judgment of three Hon'ble Judges. Thus, limitation of period for delegation under Section 3(2) does not control the period of detention for which power is exercised by the State Government which is laid down in section 13 of the Act.

Accordingly, the appeal is dismissed.

It is also stated by the learned senior counsel for the appellant that the appellant's father has died on 16th April, 2017 and on that basis the appellant proposes

to apply for parole. If any such application is filed,
the same may be considered in accordance with law.

.....J.
[ADARSH KUMAR GOEL]

NEW DELHI
5TH MAY, 2017

.....J.
[UDAY UMESH LALIT]

ITEM NO.56

COURT NO.13

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3646/2017

(Arising out of impugned final judgment and order dated 08/03/2017 in WP No. 31313/2016 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

ARAVIND CHOUDHARY

Petitioner(s)

VERSUS

STATE OF TELANGANA AND ANR

Respondent(s)

(With appln. (s) for exemption from filing c/c of the impugned judgment and permission to place addl. documents on record)

Date : 05/05/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Sanjay Hegde, Sr. Adv.
Mr. Nishant Bishnoi, Adv.
Mr. Saurabh Ajay Gupta, Adv.

For Respondent(s) Mr. S. Udaya Kr. Sagar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is dismissed in terms of the signed order.

(Madhu Bala)
Court Master
(Signed order is placed on the file)

(Veena Khera)
Court Master