



IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1723 OF 2024  
(Arising out of SLP(CrI.) No. 14859 of 2023)

VADDI LAKSHMI

... APPELLANT(S)

VS.

STATE OF TELANGANA & ORS.

... RESPONDENT(S)

O R D E R

1. Leave granted.
2. The background in which an order of detention under the 1986 Act<sup>1</sup> has been passed is that there was a complaint under Section 384 of the IPC for extortion on 27.04.2023. This was followed by a subsequent complaint for commission of an offence under Sections 394, 376D and 411 read with 34 of the IPC on 01.05.2023. The detenu was thereafter arrested on 04.05.2023. It is an admitted fact that the detenu was released on 17.08.2023 as the Court directed that he is entitled for default bail.
3. The present proceedings arise out of an order dated 30.06.2023 passed by the respondent No. 2, the Collector, in exercise of powers under Section 3 of the 1986 Act. The relevant portion of the detention order is as under:

<sup>1</sup> The Telangana Prevention of Dangerous Activities of Boot-leggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders Land Grabbers, Spurious Seed Offenders, Insecticide Offenders, Fertilizer Offenders, Food Adulteration Offenders, Fake Document Offenders, Scheduled Commodities Offenders, Forest Offenders, Gaming Offenders, Sexual Offenders, Explosive Substances Offenders, Arms Offenders, Cyber Crime Offenders and White Collar or Financial Offenders Act, 1986 (Act No.1 of 1986).

**"The proposed detenu made persistent efforts to come out of the prison by moving bail petition in the above case. Police filed counter opposing the grant of bail to him and the same is pending for consideration. Hence, it is apprehended that there is every likelihood of the proposed detenu releasing on bail in due course and I strongly believe that after his release on bail, there is an imminent possibility of the proposed detenu again resorting to similar heinous offences on women folk, which would be detrimental to public order and would create fear in the minds of the women folk, unless he is prevented from doing so by an appropriate order of detention.**

**Now, therefore, in exercise of the powers conferred on me under Sub-section (2) of Section 3 of the "Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders, Land Grabbers, Spurious Seed Offenders, Insecticide Offenders, Fertiliser Offenders, Food Adulteration Offenders, Fake Statement Offenders, Scheduled Commodities Offenders, Forest Offenders, Gaming Offenders, Sexual Offenders, Explosive Substances Offenders, Arms Offenders, Cyber Crime Offenders and White Collar or Financial Offenders Act, 1986 (Act No. 1 of 1986) r/w G.O. Rt.No.792, General Administration (Spl. Law & Order) Department, dated: 29.05.2023, I do hereby order that BandiNarayana S/o Sambaiah, Aged 43 Yrs, Caste: Khamma, Occ: Mason work, R/o Kopravur Village, PedakakaniMandal, Guntur District of Andhra Pradesh, a 'Sexual Offender', be detained from the date of service of this order on him and lodged in Central Prison, Chanchalguda, Hyderabad."**

**4. The grounds of detention order are as under:**

**"You have been making persistent efforts to come out of the prison and moved bail petition in the above case. Considering the heinous offence of sexual assault on a public servant committed by your associate with your active assistance and robbing her valuables i.e. gold ornaments and mobile phone at knife point and in the event of your release on bail, I strongly believe that there is an imminent possibility of you again committing similar offences which would be detrimental to public order and would create fear and a feeling of insecurity in the minds of the women folk, unless you are prevented from doing so by an appropriate order of detention.**

**As per the clause (v) of section 2 of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders, Land Grabbers, Spurious Seed Offenders,**

**Insecticide Offenders, Fertiliser Offenders, Food Adulteration Offenders, Fake Document Offenders, Scheduled Commodities Offenders, Forest Offenders, Gaming Offenders, Sexual Offenders, Explosive Substances Offenders, Arms Offenders, Cyber Crime Offenders and White Collar or Financial Offenders Act, 1986" (Act No. 1 of 1986) a "Sexual Offender" means 'a person who commits or abets the commission of offences in contravention of any of the provisions under the Protection of Child from Sexual offences Act, 2012 or the offences punishable under sections 354, 354-A, 354-B, 354-C, 354-D, 376, 376-A, 376-B, 376-D, 377 or 509 of the Indian Penal Code, 1860'.**

**Thus, you have indulged in the acts of "Sexual Offender" by committing sexual assault on a public servant by threatening to kill her on the point of knife and considering the fact that a rapist not only violates the victim's privacy and personal integrity, but inevitably causes serious psychological as well as physical harm in the process. Rape is not merely a physical assault - it is often destructive of the whole personality of the victim. A murderer destroys the physical body of his victim, a rapist degrades the very soul of the helpless female and I am satisfied that such acts create large scale fear, panic and a feeling of insecurity among the women folk, particularly the women employees, their family members and general public and have the potential to disturb public order leaving the large illegible people under the grip of fear and trauma.**

**It is imperative to prevent you from acting in any manner prejudicial to the maintenance of public order and hence I feel that recourse to normal law may not be an effective deterrent in preventing you from indulging in such further activities which are prejudicial to the maintenance of public order in the area, unless you are detained by invoking the provisions under the "Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders, Lind Grabbers, Spurious Seed Offenders, Insecticide Offenders, Fertiliser Offenders, Food Adulteration Offenders, Fake Document Offenders, Scheduled Commodities Offenders, Forest Offenders, Gaming Offenders, Sexual Offenders, Explosive Substances Offenders, Arms Offenders, Cyber Crime Offenders and White Collar or Financial Offenders Act, 1986 (Act No. 1 of 1986)."**

**5. The order of detention was confirmed by the State on 09.08.2023 which is as follows:**

**"4. Government after careful examination of the entire record, observe that the detenu BandiNarayana S/o. Sambala, has been facilitated in the commission of sexual assault and rape on a woman by his associate, who was also travelling in the auto, by holding her firmly during rape. Then they both robbed her of gold ornaments, a phone, and her handbag. The detaining authority has relied on (01) one case registered against the Detenu as grounds of detention in Crime Number: 67 of 2023 offences under section 376 (D), 394, 411 r/w. 34 IPC of Peddavoora Police Station. As such the activities of the individual fall under and within the meaning of "Sexual Offender" as defined under sec. 2(v) of Act 1 of 1986. The incident mentioned in the grounds of detention clearly substantiate as to how the acts of the detenu are prejudicial to the maintenance of public order. The Detaining Authority, having satisfied that the activities of the detenu are likely to engender horror and anxiety, fear panic, and a feeling of insecurity among the women folk, particularly the women employees and their families in the locality, and that the women folk will think twice to board auto rickshaws even in case of emergencies and thus disturb the even tempo of life of the general public. Such acts can be said to be prejudicial to the maintenance of public order, and having felt that launching prosecution against the detenu would not have the desired effect in preventing the detenu from acting in any manner prejudicial to the maintenance of public order, has passed the order of detention by invoking the provisions under the said act. The Advisory Board has also reviewed the case and opined that there is sufficient cause for detention of the detenu. As such the Individual deserves the maximum period of detention, as provided under sec.13 of the Act."**

**6. Being aggrieved, the appellant (sister of detenu) filed a Writ Petition before the High Court challenging the order of detention which came to be dismissed by the order impugned herein. While dismissing the Writ Petition, the High Court reasoned as under:**

**"18. The detaining authority while invoking the powers under Section - 3 (2) of the Act No.1 of 1986, has to consider the entire material on record and come to a subjective satisfaction that due to the**

acts committed by the detenu, nature of offence and the manner in which the same was committed would disturb the public order. To prevent the detenu from committing similar offences, the detaining authority shall issue preventive detention order against the detenu. The Apex Court and this Court has to consider facts and circumstances of each case on case to case basis.

19. As discussed above, the detenu and his associate committed the offence of rape on the victim in broad day light and thus resulted in creation of fear and panic in the minds of general public, particularly women folk. The daring act of the detenu in a broad day light, in our opinion, affected 'public order' and not merely 'law and order'. The said act, certainly, caused terror and panic among the women folk. The act in question adversely affected the even tempo of life of the women community and caused a general disturbance of public tranquility. In the said solitary crime, the detenu theft the gold ornaments, Apple Phone and net cash of Rs.4,000/- of the victim at the point of knife. The worth of the stolen property is around Rs.1,80,000/-. Even the detenu and his associates committed theft of auto-rickshaw used in commission of the present crime and a case in Crime No.146 of 2023 was registered by Lalapet Police Station, Guntur District of Andhra Pradesh State for the offence punishable under Section - 379 of IPC.

20. As discussed above, the bail applications filed by the detenu twice were dismissed by the Court concerned considering the seriousness and graveness of the offence committed by the detenu. The detaining authority having considered all the said aspects arrived at the subjective satisfaction and passed the impugned detention order. Therefore, viewed from any angle, we are of the considered view that there is no error in the impugned detention order dated 30.06.2023 passed by respondent No.2 and the consequential approval and confirmation orders vide G.O.Rt.Nos.966 and 1126, dated 06.07.2023 and 09.08.2023, respectively. Thus, the writ petition fails and the same is liable to be dismissed."

7. We have considered the matter in detail. We are of the opinion that invocation of Section 3 of the 1986 Act is not justified as mere involvement in a sexual offence, including one under Section 376D, by itself will not be sufficient to invoke Section 3 of the 1986 Act. This is for the reason that the

offence must be integrally connected '*with a view to prevent him from acting in a manner prejudicial to the maintenance of public order*'. It is not decipherable from the order of Detaining Authority coupled with the grounds of detention, or from the Confirmation Order dated 09.08.2023, how the offence is connected to prevent the detenu from acting in a manner prejudicial to the maintenance of public order.

8. Apart from the fact that there is no justification for invoking the provisions of the 1986 Act, we are also of the opinion that these are solitary instances. In fact, the allegation of rape on 01.05.2023 was only in addition to the earlier allegation of extortion dated 27.04.2023. These are solitary instances of allegations of extortion and rape. There is no material before the Detaining Authority to indicate that the detenu is in the habit of committing the same offence yet again. In the absence of any material of this nature, there is absolutely no justification for the order dated 30.06.2023. Having considered the matter in detail, we are of the opinion that the order of detention dated 30.06.2023, coupled with its confirmation, are not sustainable.

9. In view of the above, we allow the appeal and set aside the judgment & order of the High Court dated 17.10.2023 passed in Writ Petition (Civil) No. 25767 of 2023 and quash the orders of detention dated 30.06.2023 and its confirmation dated 09.08.2023 respectively.

10. The detenu, shall be released forthwith if not required in any other case.

11. Pending application(s), if any, stand disposed of.

.....J.  
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.  
[ARAVIND KUMAR]

NEW DELHI;  
MARCH 20, 2024.

ITEM NO.10

COURT NO.16

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). 14859/2023

(Arising out of impugned final judgment and order dated 17-10-2023 in WP No. 25767/2023 passed by the High Court For The State Of Telangana At Hyderabad)

VADDI LAKSHMI

Petitioner(s)

VERSUS

THE STATE OF TELANGANA GENERAL ADMINISTRATION  
PRINCIPAL SECRETARY & ORS.

Respondent(s)

IA No. 236595/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 20-03-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA  
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. Anand Dilip Landge, AOR  
Mr. Sachin Patil, Adv.  
Mr. Amarnath Munjampalli, Adv.  
Mrs. Daggi Pallavi, Adv.  
Mr. Dinesh H Godara, Adv.

For Respondent(s) Ms. Devina Sehgal, AOR

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

Leave granted.

The appeal stands allowed in terms of the Signed Order.  
Paragraphs 9 and 10 of the Order read as under:-

"9. In view of the above, we allow the appeal and set aside the judgment & order of the High Court dated 17.10.2023 passed in Writ Petition (Civil) No. 25767 of 2023 and quash the orders of detention dated 30.06.2023 and its confirmation dated 09.08.2023 respectively.

10. The detenu, shall be released forthwith if not required in any other case."

Pending application(s), if any, stand disposed of.

(KAPIL TANDON)  
COURT MASTER (SH)

(NIDHI WASON)  
COURT MASTER (NSH)

(Signed Order is placed on the file.)