

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice M.S.K.Jaiswal

Writ Petition No.39763 of 2016

Date: 20.12.2016

Between:

D.Sudharshana

.. Petitioner

and

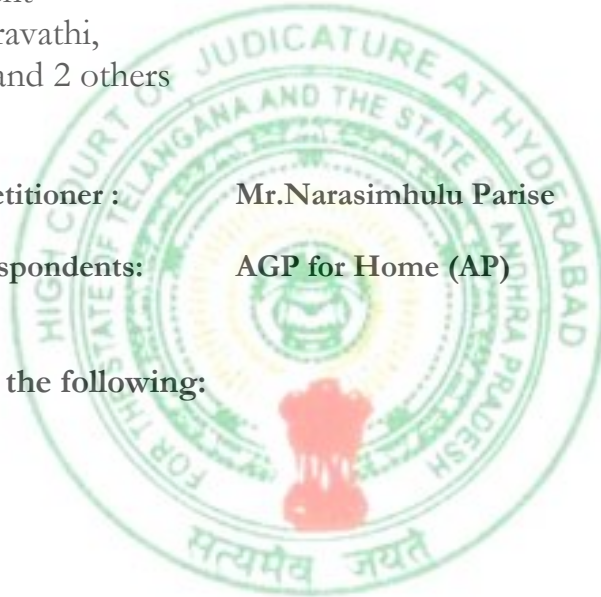
The State of AP
rep. by the Principal Secretary,
Home Department
Secretariat, Amaravathi,
Guntur District and 2 others

.. Respondents

Counsel for the Petitioner : Mr.Narasimhulu Parise

Counsel for the respondents: AGP for Home (AP)

The Court made the following:



Order : (Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for issue of Habeas Corpus directing the respondents to produce the alleged detenu- Mr.Duggana Vinesh Kumar before the Court and set him at liberty.

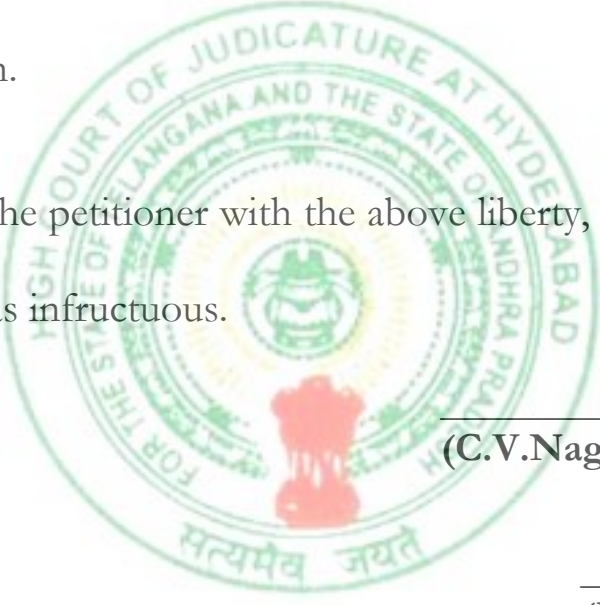
The petitioner alleged that the alleged detenu, who is no other than her son, was illegally detained by respondent No.3 on 07.11.2016 without registering any crime and that he was not produced before the jurisdictional Magistrate.

In the counter-affidavit filed by respondent No.3, it is *inter alia* stated that the alleged detenu was neither needed by the Nellore Police nor taken into custody by them on 07-11-2016 or on any other subsequent day. That, on the contrary, Gudur - I Town Police have arrested the alleged detenu in connection with Crime No.149 of 2016 registered for the offences under Sections 419 and 420 IPC on 27-11-2016 and produced him before the Additional Judicial Magistrate of First Class, Gudur, on the same day. It is further averred that the Magistrate has remanded the alleged detenu to judicial custody, in pursuance of which, the latter was lodged at Sub-Jail, Gudur.

Mr.Narasimhulu Parise, learned Counsel for the petitioner, submitted that as respondent No.3 has illegally detained the alleged detenu from 07-11-2016 to 27-11-2016, the said action is illegal.

Except the *ipsi dixit* of the petitioner, no material is produced before the Court to substantiate her stand. If the petitioner's son was illegally detained by respondent No.3, the appropriate remedy for her is to avail the common law remedies available to her both on civil and criminal sides and seek appropriate reliefs for the alleged illegal detention.

Leaving the petitioner with the above liberty, the Writ Petition is disposed of as infructuous.


(C.V.Nagarjuna Reddy, J)

(M.S.K.Jaiswal, J)

Dt: 20th December, 2016
lur