

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36650 OF 2016

ORDER:

This writ petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of Mandamus declaring the action of the respondents in not producing the husband of the petitioner Shaik Darbar Basha, who is shown as accused in various crimes mentioned in the affidavit, before the Jurisdictional Magistrate by obtaining necessary P.T. Warrants for his production before the Judicial Magistrate and waiting till he gets a bail from the Magistrate before whom he was produced or till he gets enlarged on bail on the failure of the respondents to file charge sheet (statutory bail) and thereafter, seeking P.T. warrant for his production before the Jurisdictional Magistrate in one of the crimes in which he is shown as accused and which is registered while he was in judicial custody, as arbitrary and illegal, and consequently direct the respondents to produce the husband of the petitioner before each of the Jurisdictional Magistrates and wherein various crimes as mentioned in the affidavit registered immediately after he is remanded to judicial custody without waiting for bail or till he is enlarged on statutory bail.

Heard and perused the material available on record.

The grievance of the petitioner is that respondent Nos.2 to 17 high-handedly implicated her husband in several false cases. Though her husband was granted bail by the III-Additional Sessions Judge on 26.05.2016 in connection with Crime No.174 of 2015 of Railway Kodur Police Station, Kadapa District, respondent Nos.2 to 17 went on implicating him in several cases even though he has been in Central

Prison, Kadapa since 05.10.2015 and filing P.T. warrants against him when he was about to be released on bail in any crime. Even though respondent Nos.2 to 17 are well aware of the pendency of other cases against the husband of the petitioner, instead of producing him on P.T. warrant in those cases, they are invoking the said provision only at the time of releasing him on bail.

Considering the facts and circumstances of the case, this Court is of the view that whenever a person is detained in prison in connection with a particular crime and if the fact of pendency of other crimes is known to the officers concerned, it is the bounden duty of the said officers to produce the said person on P.T. warrant and detain him in prison after remand by the competent Court. In the name of investigation and pendency of various crimes, the officers should not drag on the matter with intent to detain him in prison for some more period. Hence, respondent Nos.2 to 17 are hereby directed to produce the husband of the petitioner on P.T. warrant, if any crimes are pending against him, and complete the investigation as expeditiously as possible.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

November 04, 2016.
KTL

RAJA ELANGO, J