

THE HON'BLE SRI JUSTICE SANJAY KUMAR
and
THE HON'BLE DR JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.26330 of 2016

ORDER: (per SK, J)

By way of this Writ Petition, the petitioner sought a writ of Habeas Corpus for production of his brother, Calvin Joseph Mascarenhas, who was stated to have been taken away by the police authorities on 02.08.2016.

When the matter came up before this Court on 04.08.2016, it was adjourned to 05.08.2016 to enable the learned Assistant Government Pleader attached to the Office of the learned Advocate General, State of Telangana, to get instructions. Today, the learned Assistant Government Pleader placed before us a copy of FIR.No.260 of 2015 on the file of Bowenpally Police Station, whereunder an offence was registered against Calvin Joseph Mascarenhas, the brother of the petitioner, under Sections 20(b), 22(c) and 27(a) of NDPS Act, 1985. Copy of the remand report is also placed on record.

The brother of the petitioner was stated to have been arrested on 04.08.2016, but this aspect of the matter is disputed by the petitioner who is appearing before us in person. This aspect of the matter would however have to be addressed before the appropriate forum as this Court

cannot resolve this disputed question of fact in exercise of writ jurisdiction.

In the light of the material placed before this Court reflecting that the petitioner's brother has been subjected to judicial custody in accordance with the due procedure, the Writ Petition is dismissed leaving it open to the petitioner to take recourse to the remedies available to him in law.

Pending miscellaneous petitions, if any, shall also stand dismissed. No costs.

SANJAY KUMAR, J

5th AUGUST, 2016.

B.SIVA SANKARA RAO, J

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