

THE HON' BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.28274 of 2016

ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

The petitioner sought a writ of habeas corpus to produce her husband, B.Kirubakaran, before this Court. According to her, her husband was taken away from Chennai by Chittoor District Police officials on 18.08.2016. She was however not an eyewitness to this.

The Sub-Inspector of Police, Chandragiri Police Station, Tirupati Urban District, filed a counter affidavit stating that the petitioner's husband figured as an accused in Crime No.88 of 2016 on the file of Chandragiri Police Station, which was registered for the offences punishable under various provisions of the Indian Penal Code, the Andhra Pradesh Forest Act, 1967, the Biological Diversity Act, 2002 and the Prevention of Damage to Public Property Act, 1984. According to the Sub-Inspector, the petitioner's husband was arrested on 23.08.2016 and produced before the learned IV Additional Junior Civil Judge, Tirupati, for the purpose of judicial remand. He is stated to be presently lodged at Sub-Jail, Tirupati.

Sri T.C.Krishnan, learned counsel for the petitioner would point out that this case was filed on 22.08.2016 and was listed before this Court on 23.08.2016. These facts, according to the learned counsel would demonstrate that the petitioner's husband was subjected to illegal detention from 18.08.2016 to 23.08.2016. However, no reply affidavit has been filed stating to this effect and no material is placed before us in proof of the petitioner's husband having been taken away by the police authorities on 18.08.2016. In that view of the matter, as the petitioner has been subjected to legal process as on date, it is for the petitioner to take recourse to appropriate remedies in accordance with law in relation thereto.

The Writ Petition is accordingly dismissed leaving it open to the petitioner to do so. No order as to costs.

SANJAY KUMAR, J

M. SEETHARAMA MURTI, J

06th September, 2016
RAR

