

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.39255 of 2016

23.11.2016

Between:

Gajula Vishwanadham

..Petitioner

And

The State of Andhra Pradesh,
represented by its Principal Secretary,
Home Department,
Hyderabad and others

..Respondents

Counsel for the petitioner: Mr.S.A.K.Mynuddin

Counsel for the respondents: Mr.C.S.Surya Prakashs Rao,
Special Government Pleader (AP)

The Court made the following:



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

This writ petition is filed for issue of *Habeas Corpus* to the respondents to produce 1) Sk.Nazeer Basha, S/o Sk.Mahaboob Basha, 2) Sk.Iliyaz, S/o Sk.Mahaboob Basha and 3) Sk.Mahaboob Basha before this Court and set them free.

2. In the counter-affidavit filed by the Station House Officer, Vempalli – respondent No.4, it is, *inter alia*, stated that the alleged offenders were arrested on 15.11.2016 in connection with crime No.166 of 2016 registered for the offences punishable under Section 353 read with Section 34 I.P.C. and Sections 65 and 66(A) of the Information and Technology Act, 2008 of Vempalli Police Station; that they were produced before the Judicial First Class Magistrate, Jammalamadugu, YSR District, who remanded them to judicial custody and that in pursuance of the same, they are lodged at Sub-Jail, Pulivendula. In support of these averments, respondent No.4 has filed a copy of the remand report.

3. Inasmuch as the alleged detenus have been arrested and remanded to judicial custody, the relief claimed in this writ petition cannot be granted. However, the petitioner or the accused are entitled to avail appropriate legal remedies for release of the latter.

4. The Writ Petition is, accordingly, dismissed.

C.V.NAGARJUNA REDDY, J

M.S.K.JAI SWAL, J

23rd November, 2016
GHN