

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

AND

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

WRIT PETITION No.35601 of 2016

30.11.2016

Between:

Shaik Mahammad Rafi

..Petitioner

And

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

..Respondents

Counsel for the petitioner: Mr.V.Nitesh

Counsel for the respondents: Mr.C.S.Surya Prakash 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* directing the respondents to produce one Shaik Abdul Khader Jeelani S/o Shaik Hazipeera (for short 'the alleged detenu') and set him at liberty.

2. Respondent No.2 filed a counter-affidavit, wherein it is, *inter alia*, stated that the alleged detenu is an accused in three criminal cases pending investigation and in 17 matka cases since last 13 years; that he was arrested and remanded to judicial custody in connection with crime No.168 of 2016 for the offences punishable under Sections 8(c) read with Sections 20 (b) (II) (B), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and under Section 9(1) of Andhra Pradesh Gaming Act, 1974, of Proddatur II Town Police Station, dated 01.11.2016, and that he is presently lodged at Sub-Jail, Proddatur.

3. Earlier, this case was adjourned at the request of the learned counsel for the petitioner for filing an affidavit in order to bring to the notice of this Court, the high handed action of the Police in resorting to the illegal detention of the alleged detenu and also threatening his family members to withdraw the writ petition. Today, the learned counsel for the petitioner has submitted that due to the fear of the Police, the family members of the alleged detenu are unable to come forward to file an affidavit.

4. In the light of the fact that the alleged detenu was already produced before the jurisdictional Magistrate in connection with the criminal case and he is under judicial remand, the Writ Petition is closed, however, with liberty to the petitioner and other family members of the alleged detenu to avail appropriate remedies available to them in law,

if they are so advised, against the alleged illegalities on the part of the Police in the detention of the alleged detenu.

C.V.NAGARJUNA REDDY, J

M.S.K.JAI SWAL, J

30th November, 2016
GHN

