

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Writ Petition No.16032 of 2017

DATED:12-07-2017

Between:

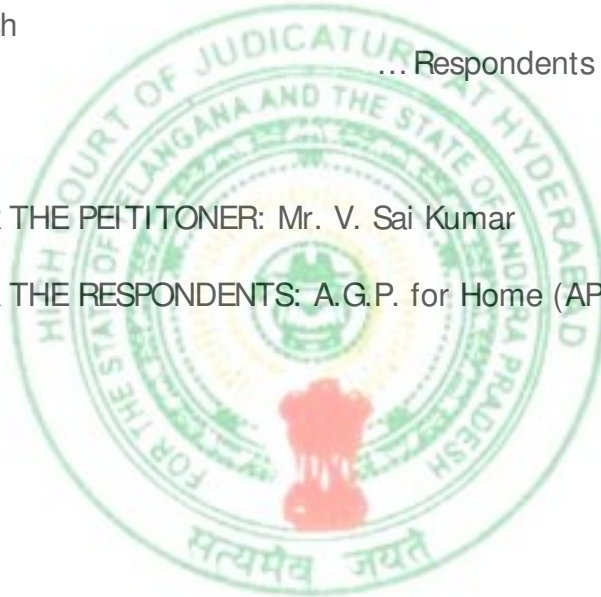
Annapureddy Sri Laxmi ... Petitioner

And

The State of Andhra Pradesh
Rep. by its Principal Secretary (Home Department)
Secretariat Buildings at Velagapudi
Guntur District
Andhra Pradesh
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. V. Sai Kumar

COUNSEL FOR THE RESPONDENTS: A.G.P. for Home (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 respondent Nos.2 to 4 to produce respondent No.6, husband of the petitioner ("the alleged detenu"), before this Court and set him at liberty.

In the counter affidavit filed on behalf of respondent Nos.2 to 4 it is stated that the alleged detenu was arrested only on 27.4.2017 and after being produced before the jurisdictional Magistrate, he was remanded to judicial custody. Mr. V. Sai Kumar, learned counsel for the petitioner, strenuously submitted that respondent Nos.2 to 4 have come out with fraudulent version and that if the averments contained in the reply affidavit are considered along with the material on which the petitioner is placing reliance, the falsity of the claim of respondent Nos.2 to 4 will come out.

In our opinion, the enquiry into the alleged illegal custody of the alleged detenu cannot be undertaken in the present writ petition, as adjudication of the same requires consideration of oral and documentary evidence. Inasmuch as the alleged detenu was remanded to judicial custody, this writ petition is closed, however, with liberty to the petitioner to avail appropriate remedy before the jurisdictional Court for redressal of her grievance regarding the alleged illegal custody of the detenu and also the alleged false statement made before this Court regarding such custody.

C.V. NAGARJUNA REDDY, J

M.S.K. JAISWAL, J

12-7-2017

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