

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.25366 of 2017

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

The petitioner seeks a writ of *habeas corpus* to produce his relation, G. Naveen Kumar Reddy, before this Court and to pass such other orders as may be deemed fit and proper.

In the affidavit filed in support of the writ petition, the petitioner stated that his relation, G. Naveen Kumar Reddy, went missing on 26.07.2017 and he could not find him despite his best efforts. He claimed that he came to know that his relation was kidnapped by the police authorities of Vijayawada and that he was in their custody. He therefore sought relief from this Court.

In his counter affidavit, the Inspector of Police, Krishnalanka Police Station, Vijayawada, stated that they did not take the alleged detenu on 26.07.2017 or detain him in the police station as alleged. They stated that the alleged detenu came to the police station on 29.07.2017 in response to the notice issued on 27.07.2017 under Section 160 Cr.P.C. in relation to Crime No.332 of 2017 on the file of Krishnalanka Police Station and the alleged detenu left the police station with his friends after giving his explanation.

The categorical stand of the respondent-authorities is that they did not arrest the alleged detenu and that he is not in police custody.

Sri Md. Naseer Pasha, learned counsel representing Sri K. Sai Mohan Rao, learned counsel for the petitioner, would fairly concede before the Court that the alleged detenu is now moving freely and he is at

liberty. He would further inform this Court that the alleged detenu himself filed an implead petition seeking to come on record in this writ petition to establish that he has nothing to do with the offence which is the subject matter of Crime No.332 of 2017 on the file of Krishnalanka Police Station.

We are however of the opinion that this issue would not fall for consideration in the present writ petition. The writ of *habeas corpus* is a procedural writ and the question as to whether the alleged detenu has any involvement in the offence which is the subject matter of Crime No.332 of 2017 on the file of Krishnalanka Police Station is not amenable to adjudication in this writ petition, which seeks a writ of *habeas corpus*. As the alleged detenu is admittedly at liberty as on date, the cause in this writ petition does not survive for consideration on merits.

The writ petition is accordingly dismissed leaving it open to the petitioner to pursue his remedies in accordance with law, if so advised. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Dr. SHAMEEM AKTHER, J

29th August, 2017

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