

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

AND

THE HON'BLE MS. JUSTICE J.UMA DEVI

WRIT PETITION No.17152 of 2017

01.06.2017

Between:

Polisetti Savaramma

..Petitioner

and

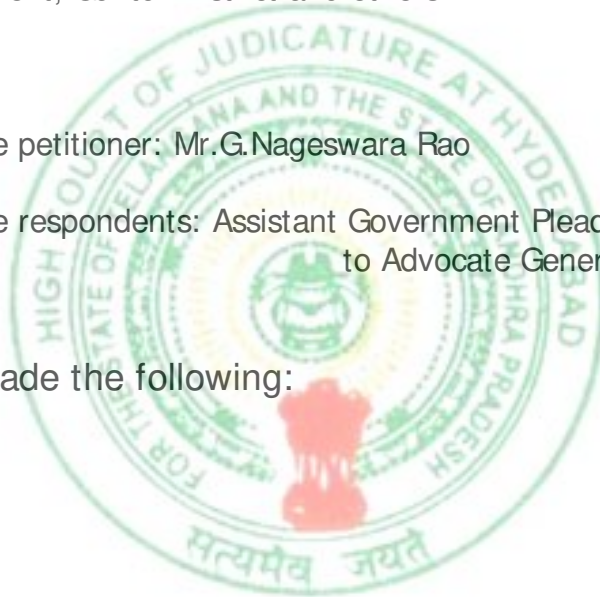
The State of Andhra Pradesh,
represented by its Principal Secretary,
Home Department, Guntur District and others

..Respondents

Counsel for the petitioner: Mr.G.Nageswara Rao

Counsel for the respondents: Assistant Government Pleader attached
to Advocate General (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 the alleged detenu viz., Polisetty Sreenu @ Gotala Sreenu, S/o Mastan, aged 41 years, R/o Chinna Bethapudi Village, Bapatla Mandal, Guntur District.

2. A detailed counter-affidavit is filed by the Inspector of Police, Central Crime Station (CCS), Vijayawada, wherein it is, *inter alia*, stated that the alleged detenu was accused in as many as 22 criminal cases registered for commission of the offences of theft etc; that a complaint was received from one Boppanna Seetharam Prasad, S/o Venkateswara Rao, R/o Athkuru Village, Ungutur Mandal, Krishna District, stating that on 3/4.04.2017, while he was sleeping in front of his house, some unknown offenders gained entry into his house by removing the window grill, opened iron almirah and cupboard in the bedroom and committed theft of Rs.60,000/-, gold and silver ornaments worth Rs.1,78,250/- and escaped with the stolen property; that Ungutur Police registered Crime No.48 of 2017 for the offences punishable under Sections 457 and 380 I.P.C. on 04.04.2017; that during the course of investigation, the clues team visited the scene of offence, collected the chance prints (finger prints) from the material objects, compared the same with that of the finger prints of ex-convicts and in the said process, the finger prints of the alleged detenu matched with the chance prints collected from the scene of offence; that the alleged detenu was arrested on 30.05.2017 at Railway Station, Pedda Avutapalli Village, Ungutur Mandal by the Police, who remanded him to the judicial custody and that in pursuance of the remand order, the alleged detenu was lodged at Sub-Jail, Gannavaram. It is further averred that on 27.05.2017, Ibrahimpatnam Police, Vijayawada, arrested the

mother, wife and daughters of the alleged detenu as they were moving under suspicious circumstances in order to commit a cognizable offence by drafting the Police proceedings and based on the said Police proceedings, Crime No.271 of 2017 was registered for the offences punishable under Sections 41(ii) and 109 Cr.P.C. and they were produced before the Mandal Executive Magistrate, Ibrahimpatnam, who bound them over for keeping good behaviour for a period of six months, *vide* order, dated 27.05.2017 in M.C.No.29 of 2017. It is also averred that the third daughter of the alleged detenu *viz.*, Akhila was never taken into custody.

3. At the hearing, Mr.G.Nageswara Rao, learned counsel for the petitioner, strenuously submitted that the alleged detenu was taken into illegal custody much before his arrest shown to have been made on 30.05.2017 and that his other family members including his daughters *viz.*, Ludiya, Pravallika and Akhila were also taken into illegal custody and were prevented from attending the examinations.

4. The short issue in this writ petition is whether the alleged detenu was illegally detained or not. Though the petitioner has alleged that the alleged detenu was detained on 15.05.2017, no *prima facie* evidence in support thereof has been placed. However, as per the version of the respondents, after registering Crime No.48/2017 on 3/4.04.2017, the alleged detenu was formally arrested only on 30.05.2017. These being the disputed questions, it is not possible for this Court to adjudicate the same. Similarly, the legality or otherwise of the arrest of the family members of the alleged detenu can be adjudicated by the appropriate Court in a properly constituted case that may be instituted by the

petitioner or any other victim of such arrest, if they are so advised.

Inasmuch as the alleged detenu has been remanded to the judicial custody after he was formally arrested, the petitioner is not entitled to be granted the relief claimed in this writ petition.

5. The Writ Petition is dismissed subject to the observations made hereinbefore.

C.V.NAGARJUNA REDDY, J

01st June, 2017
GHN

J.UMA DEVI, J

