

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

WRIT PETITION No.22340 of 2017

DATE:- 18-07-2017

Between:

Potluri Sushmitha

..... PETITIONER

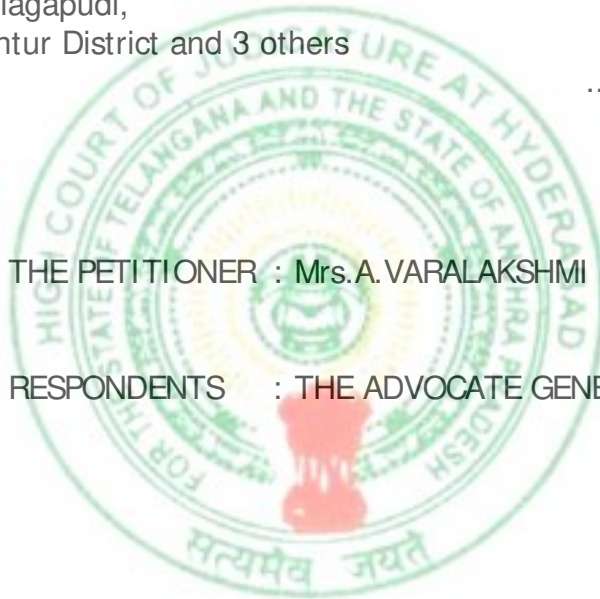
AND

The State of Andhra Pradesh,
rep.by its Principal Secretary,
Home Department,
Secretariat, Velagapudi,
Amaravati, Guntur District and 3 others

.....RESPONDENTS

COUNSEL FOR THE PETITIONER : Mrs.A.VARALAKSHMI

COUNSEL FOR RESPONDENTS : THE ADVOCATE GENERAL (AP)



THE COURT MADE THE FOLLOWING:

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.22340 of 2017

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

This writ petition is filed for issue of habeas corpus, directing the respondents to produce the petitioner's husband, by name, Potluri Srinivasarao (for short "the alleged detenu") before the Court and set him at liberty.

Respondent No.4 filed counter affidavit, wherein she has *inter alia* averred that on the report, dated 01.06.2016, given by one Neredubilli Ramana, S/o.late Appayya, alleging that his Ashok Leyland 10 tyres lorry, bearing registration No.AP-16TU-2346, which was parked near Srinivasa Lorry Association, situated in front of Jakarthalli Temple on bypass road, Parvathipuram, was found missing in the morning of 02.06.2016, that in spite of his searches made in and around Vizianagaram, Visakhapatnam and Srikakulam districts, the same could not be located, that he suspected that the lorry was stolen by unknown persons, Cr.No.168/2016 under Section 379 IPC was registered on 02.11.2016. She further averred that during the investigation, on reliable information, the Inspector of Police, Parvathipuram Town along with his staff went to Autonagar in Vijayawada and noticed two persons, each in possession of lorry tyres in suspicious circumstances, that they revealed their names, one of which was that of the alleged detenu, that during the interrogation, the alleged detenu has confessed the commission of offence along with Accused No.1 and Accused No.3. She further averred that the alleged detenu was arrested

and brought to Parvathipuram Town Police Station, and after completing all the formalities, he along with Accused No.2 is produced before the Additional Judicial First Class Magistrate, Parvathipuram, Vizianagaram district on 08.07.2017, and that the Magistrate has remanded them to judicial custody.

In the light of the above noted averments in the counter affidavit, which reveal that the alleged detenu was arrested and remanded to judicial custody in connection with FIR No.168/2016, the prayer in this writ petition cannot be granted.

The Writ Petition is accordingly dismissed as infructuous, however, with liberty to the petitioner/alleged detenu to avail appropriate legal remedies for redressal of their grievance.



C.V.NAGARJUNA REDDY,J

M.S.K.JAI SWAL,J

Date: 18.07.2017
Dsr