

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

W.P. No.28134 OF 2017

ORDER: *(Oral)*

(Per Hon'ble Sri Justice SURESH KUMAR KAIT)

Vide the present petition, the petitioner seeks direction thereby directing the respondents to forthwith produce father of the petitioner by name AT Maideen, S/o Ahmad Tambi, aged 51 years, before this Court and set him at liberty.

2. During enquiry, in the present petition, the respondents were directed to file counter-affidavit and thereafter additional affidavit, pursuant to the reply filed by the petitioner to the counter-affidavit filed by the respondents, whereby they asserted that the alleged detenu was arrested on 23.8.2017 at 10.10 p.m. along with Accused Nos.2 and 3 vide Crime No.452 of 2017 under Sections 147, 148, 379, 353, 307, 120(B), 417, 468, 471, 109 IPC read with 149 IPC and Section 20 (1) (c) (II) (III) (IV) (Vi) (X) of A.P. Forest Act (Amendment Act) 2016 (AP Act No.15 of 2016), Section 20 (d) (i) (a) (b) (2) (a) (b), Section 29 (2) (b) (4) (a) (i) (ii) (b) of A.P. Forest Act (Amendment Act) 2016 (AP Act No.15 of 2016) Rule 3 of A.P Sandal Wood and Red Sanders Wood Transit Rules, 1969, Section 3 of PDPP Act 1984 and Section 51 of Wild Life Protection Act 1972 of Mydukur Upgrade (U/G) Police Station, YSR District, and thereafter produced before the Judicial First Class Magistrate, Mydukur on 24.08.2017. On

such production, the learned Magistrate has passed judicial order remanding them to judicial custody. Since then, the alleged detenu was lodged at Central prison, Kadapa, YSR District.

3. Learned counsel appearing on behalf of the petitioner submits that in fact the detenu was abducted on 16.08.2017, however shown by the respondents as they were arrested on 23.08.2017. The respondents have denied all the allegations made in the present petition. Since the case is pending before the Judicial First Class Magistrate, Mydukur against the detenu, we hereby close the present petition by giving liberty to the petitioner to file a petition before the said Court by making all the allegations, and on receipt of the petition, the aforesaid Magistrate shall conduct enquiry to this effect whether the alleged detenu was illegally detained by the respondents on 16.08.2017.

4. In view of the above, the Writ Petition is closed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

SURESH KUMAR KAIT,J.

U. DURGA PRASAD RAO,J.

Date : 22-11-2017
Gvl

