

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

Writ Petition No.23582 of 2017

DATED:18-07-2017

Between:

P. Lakshmi ... Petitioner

And

The Collector and District Magistrate
Ranga Reddy District
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. C.D.S.B. Venkat Rao

COUNSEL FOR THE RESPONDENTS: G.P. for Home (TS)



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 one Pagadala Venkata Karthikeya ("the alleged detenu") before this Court and set him free.

We have heard the learned counsel for the petitioner and perused the record.

The undisputed facts of the case would reveal that the alleged detenu, who was accused in Crime No.47 of 2017 on the file of the Women Police Station, Saroornagar, has approached the jurisdictional Magistrate – respondent No.3 by filing a surrender petition, that on 10.4.2017 when the case was called there was no representation on his behalf necessitating adjournment of the case to 13.4.2017, that on that date also the alleged detenu was absent and that therefore, respondent No.3 has dismissed the petition to surrender and issued a non-bailable warrant (NBW). Questioning the issue of the NBW, the alleged detenu filed Criminal Revision Petition No.144 of 2017 in the Court of the VIII Additional Sessions Judge, Ranga Reddy District, and the said Court disposed of the said Criminal Revision Petition, by order dt.6.7.2017, while permitting the alleged detenu to surrender before the trial Court on or before 31.07.2017 along with a fresh surrender application. A further direction was issued to the jurisdictional Magistrate that on such surrender of the alleged detenu, he shall be released on bail on executing a personal bond for Rs.5,000/- with two sureties for a likesum to the satisfaction of the trial Court on the same day. The grievance of the petitioner is that on 13.7.2017 the Police of the Women Police Station, Saroornagar, arrested the alleged detenu and produced him before respondent No.3, who has

remanded him to judicial custody. Questioning this remand, the petitioner filed this writ petition.

In our opinion, the petitioner has availed a wrong remedy. If the alleged detenu was arrested in violation of order dt.6.7.2017 in Criminal Revision Petition No.144 of 2017 he should have approached the revisional court for redressal of his grievance. If the alleged detenu is aggrieved by the order of the judicial remand passed by respondent No.3, equally, he should have availed appropriate legal remedy before the competent court. The learned counsel for the petitioner submitted that though two bail applications were filed before respondent No.3, both of them were dismissed. If the alleged detenu is aggrieved by the said orders, he is entitled to avail a legal remedy in that regard also. Instead of seeking redressal of his grievance by availing appropriate legal remedies, the petitioner has filed this writ petition, which in our opinion, is wholly inappropriate on the facts of the case.

Hence, the writ petition is dismissed with liberty to the petitioner/alleged detenu to avail appropriate legal remedies in terms of the observations made hereinbefore.

C.V. NAGARJUNA REDDY, J

M.S.K. JAISWAL, J

18-7-2017

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