

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE T. AMARNATH GOUD

W.P. No. 43532 of 2017

ORDER:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed in the nature of writ of habeas corpus seeking a direction to the respondents to produce Nagunuri Raju before this Court and set him at liberty.

Pursuant to the order dated 20.12.2017 passed by this Court, the 5th respondent has filed counter affidavit *inter alia* stating that the alleged detenu is A1 in Crime No. 715 of 2017 of Krishnalanka Police Station, Vijayawada registered for the offence punishable under Section 379 IPC. The Intelligence Team No.II, Vijayawada arrested the alleged detenu on 19.12.2017 and produced him before II Additional Chief Metropolitan Magistrate, Vijayawada on 20.12.2017. The learned Judge passed a judicial order remanding the alleged detenu to judicial custody.

The allegation in the present petition is that the detenu was illegally detained on 16.12.2017, however he is shown to have been arrested on 19.12.2017. Since the present petition is in the nature of habeas corpus and as stated by the 5th respondent in his counter that the detenu was arrested on 19.12.2017 in the aforesaid crime, we are inclined to close the writ petition granting liberty to the petitioner to file

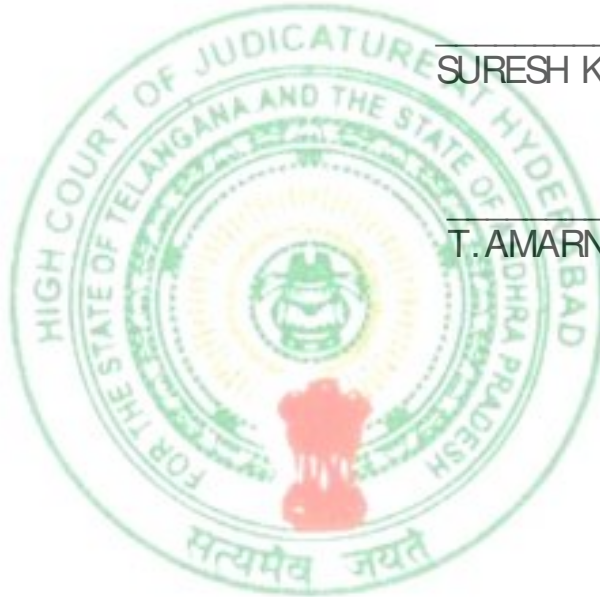
appropriate petition against the respondents before the appropriate forum if he has some material to show that he was arrested on 16.12.2017 and illegally kept under detention for three days by the respondents.

With the above observation the writ petition is closed.
No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

27.12.2017

bcj



SURESH KUMAR KAIT, J

T. AMARNATH GOUD, J