

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

IA.No.1 of 2018 in/ & WP.No.775 of 2018

Date: 19.01.2018

IA.No.1 of 2018

Between:

Vasantha Kannan

... Petitioner

and

The Union of India,
Rep. by its Secretary (Home)
SP Bhawan, Sansad Marg,
New Delhi and 5 others

... Respondents

WP.No.775 of 2018

Between:

Vasantha Kannan

... Petitioner

and

The Union of India,
Rep. by its Secretary (Home)
SP Bhawan, Sansad Marg,
New Delhi and 4 others

... Respondents

Counsel for the Petitioner:

Mr.O.Udaya Kumar

Counsel for the respondents:

**Mr.P.Bhaskar,
SC for Railways**

The Court made the following:

Common Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Writ Petition No.775 of 2018 is filed for issue of a Habeas Corpus directing respondent Nos.2 to 4 to produce K.Senthil Kumar, S/o.Kannan, before this Court and to set him free.

The petitioner, who is the mother of the alleged *detenu*, averred that on 29-12-2017, her son went to attend the Railway Court in Nellore in connection with a Criminal Case registered against him, but did not return home. She further alleged that she was informed by respondent No.4 through phone that her son was arrested by them; that on her rushing to the Tirupathi Railway Police Station at about 5.00 or 5.30 p.m., she saw her son being kept in the custody in respondent No.4- Police Station and that on 03-01-2018, when the petitioner again went to respondent No.4- Police Station and enquired about her son, the Police have abused her in filthy language and did not give any information about the whereabouts of her son. With these allegations, she filed the present Writ Petition.

A counter-affidavit has been filed by the Divisional Security Commissioner/RPF/Guntakal Division wherein he has denied the allegation that respondent No.4 is the Station

House Officer. He has averred that respondent No.4 is a part of the Railway Protection Force while the Government Railway Police Station is a different entity functioning from the first floor of platform No.1 of Tirupathi Railway Station and that therefore, respondent No.4 has nothing to do with the Government Railway Police. It is further averred that as per the reliable information, the petitioner's son was arrested by the Government Railway Police on 06-01-2008 at about 7.00 hours as he was found in possession of six bundles of Ganja totally weighing about 11.600 grams worth Rs.58,000/- and gold jewellery weighing about 88 grams worth Rs.2,20,000/- and accordingly, Crime No.03/18 was registered against him by the Inspector of Government Railway Police, Renigunta, for the offence punishable under Section 8(c) read with Section 20 (b) (ii) (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

IA.No.1 of 2018 was filed by the petitioner for impleading the Government Railway Police, Tirupathi, on realising from the averments of the counter-affidavit that respondent No.4 was not the Officer, who, allegedly, detained the petitioner's son.

At the hearing, Mr.O.Udaya Kumar, learned Counsel for the petitioner, submitted that though the petitioner's son was illegally detained on 29-12-2017, he was produced before the Railway Magistrate on 07-01-2018 and that the latter has remanded him to the judicial custody.

Inasmuch as the petitioner's son has been produced before the Jurisdictional Magistrate in connection with the Criminal Case registered against him, the cause in the Writ Petition does not survive for adjudication. However, if the petitioner is interested in challenging the alleged illegal detention of her son, she shall be free to avail appropriate legal remedies available to her in law.

Subject to this liberty given to the petitioner, IA.No.1 of 2018 is allowed and Writ Petition No.775 of 2018 is disposed of as *infructuous*.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 19th January, 2018
lur

