

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

AND

THE HON'BLE SMT JUSTICE T. RAJANI

WRIT PETITION No.13143 of 2018

ORDER: (*per the Hon'ble Sri Justice Suresh Kumar Kait*)

The writ petition is filed with the following prayer:

"... to issue a writ order are direction more particularly one in the nature of writ of Habeas Corpus declaring the action of the respondents in illegal confinement of 1. Venkatesh, S/o.Ranganathan (son in law of the petitioner) 2. Vijay S/o Devendran, 3. Mani S/o Devendran (sons of the petitioner), 4. Laxmi W/o Vijay, 5. Meena W/o Mani, (nephews of the petitioner), 6. Anirudh S/o Mani and 7. Lalli D/o Vijay (Grand children of the petitioner) were illegally taken in to custody on 03.04.2018 (Tuesday) at Ramareddy and Manchiryal by the Respondent No.3 to 6 and not informing the whereabouts of the detainee to any person and even not producing the detainee before any court of law as illegal, arbitrary and unconstitutional consequently direct the Respondents to produce the detainees before this Honble Court or to set at liberty immediately in the interest of justice and pass such other order or orders as deem fit and proper in the circumstances of the case"

2. In the counter affidavit filed by the respondents it is stated that the alleged detainees 1 and 3 are accused 1 and 2 in Cr.No.93 of 2018 of Kamareddy Town Police Station, Kamareddy and they were arrested by the police of the aforesaid police station on 14.04.2018 and after complying with the formalities of arrest, they were produced before JFCM, Kamareddy on the same day. The learned Magistrate remanded them to judicial custody and pursuant to the remand order, the alleged detainees 1 and 3 are now lodged in District Jail, Nizamabad.

It is further stated in the counter affidavit filed by respondent No.6 that detainee No.2, Vijay, is A1 in Cr.No.91 of 2018 registered

under Sections 457, 380 read with Section 411 of IPC of Mancherial Police Station. He was arrested on 17.04.2018 and after complying with the formalities of arrest, he was produced before II Additional JFCM, Mancherial on 18.04.2018 and the learned Magistrate remanded him to judicial custody. Pursuant to the said order, he is lodged at District Jail, Adilabad.

3. Learned counsel appearing on behalf of the petitioner submits that the alleged detenues were detained by the police on 03.04.2018 at Kamareddy and Mancherial by respondents 3 to 6 without informing the whereabouts of the detenues to any person, whereas the alleged detenues were shown arrested in the crime mentioned above subsequent to the filing of the present writ petition. Thus, the respondents have kept them under illegal detention.

4. Vide the present petition, the detenues are sought to be produced before this Court. The respondents have disclosed that they are arrested in the cases mentioned above. If the grievance of the petitioner is that the detenues were illegally detained by the respondents, the petitioner is at liberty to file a proper petition before the appropriate forum wherein the evidence can be lead to prove her case.

We hereby, accordingly, dispose of the present writ petition by giving liberty to the petitioner. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SURESH KUMAR KAIT, J

T. RAJANI, J