

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.19219 of 2018

Date: 12.06.2018

Between :

Kota Srinivas

... Petitioner

And

The State of Telangana,
rep. by its Principal Secretary,
Home Department,
Secretariat, Hyderabad and others.

... Respondents

COUNSEL FOR PETITIONER : Ms. Ayesa Saba, counsel,
representing Mr. V. Raghunath

COUNSEL FOR RESPONDENTS : A.G.P. for Home (T.S.)

THE COURT MADE THE FOLLOWING:

ORDER : (per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This writ petition is filed for issue of Habeas Corpus directing the respondents to produce Mr. Bandi Durga Prasad, s/o. Yellaiah (for brevity "the alleged detenu"), before the Court, record his statement and set him free based on his statement, apart from initiating criminal contempt and Departmental action against the erring police officials, who violated the law and judgment of the Supreme Court in D.K. Basu's case.

At the hearing, the learned Assistant Government Pleader for Home representing the learned Advocate General (T.S.), on instructions, submitted that the alleged detenu was arrested on 11.06.2018 in connection with FIR.No.33/2018 of Venkatapuram Police Station, Khammam District, and produced before the I Additional Judicial First Class Magistrate, Khammam, who inturn remanded him to the judicial custody and the alleged detenu is presently lodged in Khammam Jail.

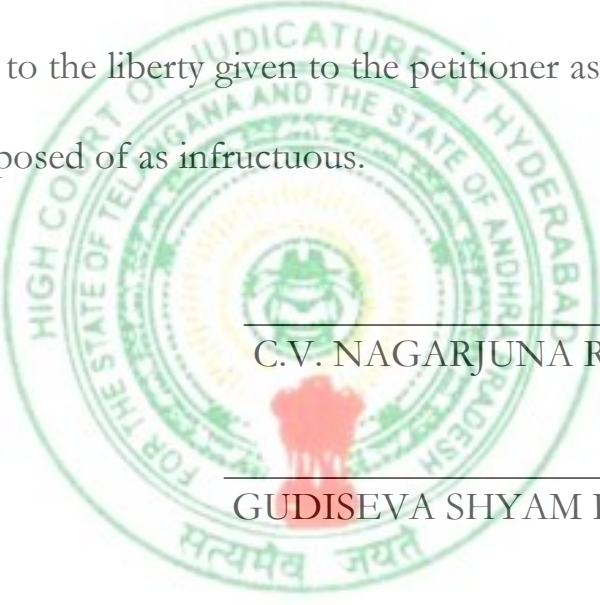
Ms. Ayesa Saba, counsel representing Mr. V. Raghunath, learned counsel for the petitioner, submitted that the police have been coming out with a false version as regards production of the alleged detenu before the jurisdictional Magistrate.

When the learned Assistant Government Pleader has made a statement before the Court as to the production of the alleged

detenu before the jurisdictional Magistrate, there is no reason to doubt the same. On verification, if the petitioner finds that the alleged detenu was not produced before the jurisdictional Magistrate, as submitted by the learned Assistant Government Pleader, he shall be free to approach this Court by making an appropriate application.

In the light of the above submission, the cause in the writ petition does not survive for adjudication.

Subject to the liberty given to the petitioner as above, the writ petition is disposed of as infructuous.



C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

12.06.2018.
Msr

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