

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

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Writ Petition No.19447 of 2018

Date: 13.06.2018

Between:

Narsingh Sukkaiah

... Petitioner

and

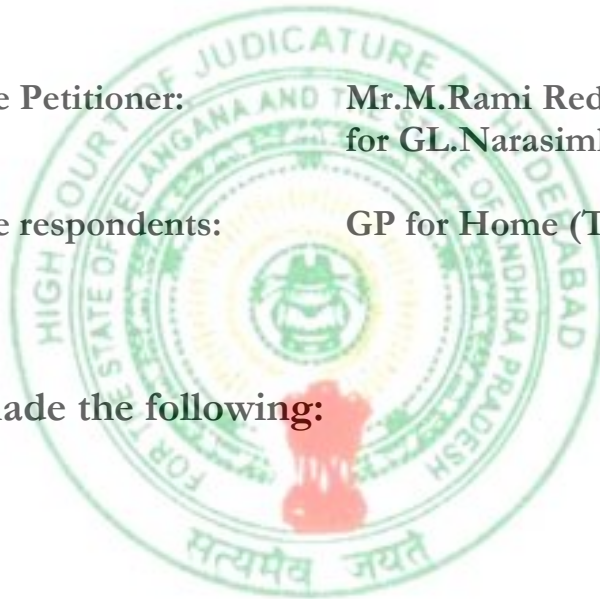
State of Telangana
Rep. by its Prl.Secretary,
Home Dept., Hyderabad and 5 others

...Respondents

Counsel for the Petitioner: Mr.M.Rami Reddy
for GL.Narasimha Rao

Counsel for the respondents: GP for Home (TS)

The Court made the following:



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

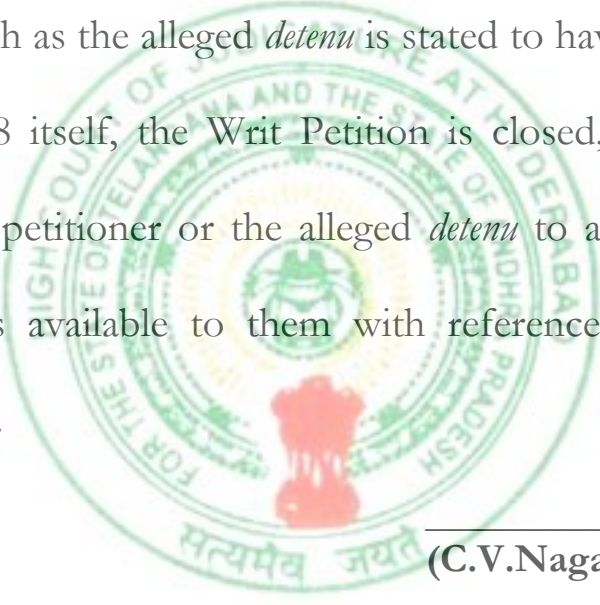
This Writ Petition is filed for issue of a Habeas Corpus directing the respondents to produce the petitioner's son by name Saidulu (for short 'the *detenu*') before the Court and set him free.

The learned Assistant Government Pleader for Home appearing for the learned Advocate-General for the State of Telangana, on instructions, submitted that the alleged *detenu* was taken into custody on 11-06-2018 in Rasoolgudem Village when he was moving in a suspicious manner; that apprehending that he may commit a cognizable offence, he was interrogated; and that verification of the station record showed that he was previously involved in a bodily offence. The learned Assistant Government Pleader further submitted that the alleged *detenu* was produced before the Executive Magistrate and Tahsildar, Kattangur, with a request to bind over; that the Executive Magistrate has taken a bond for a sum of Rs.50,000/- from the alleged *detenu* on 11.06.2018; and that thereafter, the alleged *detenu* was freed. In support of his submissions, the learned Assistant Government Pleader has placed before the Court, the report sent by the Sub-Inspector of Police, P.S.Kattangur, to the Executive Magistrate and Tahsildar, Kattangur, and Form No.13- Bond for good behaviour executed by the alleged *detenu* on 11-06-2018.

The learned Counsel for the petitioner submitted that the alleged *detenu* was taken into custody on 08-06-2018 and not on 11-06-2018 and that the respondents are liable for the illegal custody of the alleged *detenu* till 11-06-2018.

The question whether the alleged *detenu* was taken into custody on 08-06-2018 or not is a disputed question of fact, which can be adjudicated only by a competent Court of law having original jurisdiction.

Inasmuch as the alleged *detenu* is stated to have been released on 11-06-2018 itself, the Writ Petition is closed, however, with liberty to the petitioner or the alleged *detenu* to avail appropriate legal remedies available to them with reference to the alleged illegal custody.



(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 13th June, 2018
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