

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

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Writ Petition No.19884 of 2018

Date: 19.06.2018

Between:

Pergula Radhika

... Petitioner

and

The State of Telangana
Rep. by its Principal Secretary,
Home Department, Secretariat,
Hyderabad and 4 others

...Respondents

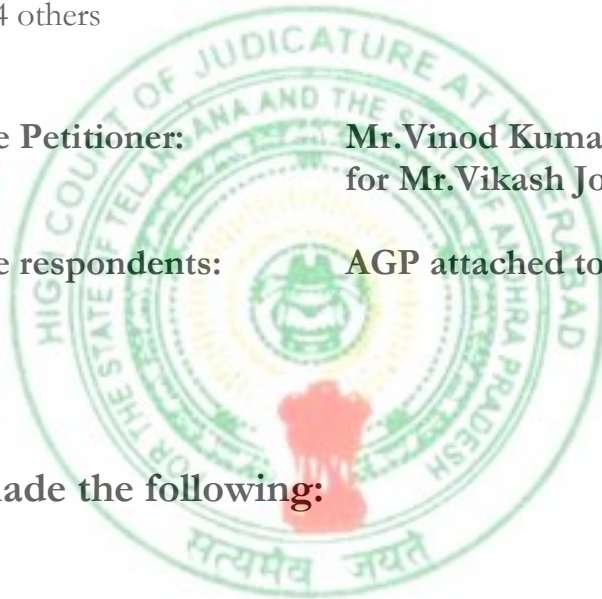
Counsel for the Petitioner:

**Mr.Vinod Kumar Deshpande
for Mr.Vikash Joshi**

Counsel for the respondents:

AGP attached to AG (TG)

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 husband by name Pergula Sivalingaiah @ Naginkar Shiva (for short 'the alleged *detenu*'), aged 34 years, before this Court and set him free.

At the hearing, Mr.Vinod Kumar Deshpande, learned Senior Counsel appearing for Mr.Vikash Joshi, learned Counsel for the petitioner, submitted that after filing of this Writ Petition, the Police have registered an FIR against the alleged *detenu* and produced him before the Jurisdictional Magistrate, who remanded him to the judicial custody. The learned Senior Counsel further submitted that the Police have kept the alleged *detenu* in illegal custody from 09.06.2018 till he was produced before the Jurisdictional Magistrate on 14.06.2018 and that they have also forcibly taken away the property documents, a car and a scooter from the alleged *detenu*.

The allegations made by the petitioner, as put forth by the learned Senior Counsel, fall in the realm of disputed questions of fact, which can be adjudicated only based on the evidence to be adduced by both parties. Therefore, the petitioner is relegated to the common law remedies for appropriate reliefs as regards the above mentioned grievance of the alleged illegal detention.

Subject to the liberty given to the petitioner and the alleged
detenu as above, the Writ Petition is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 19th June, 2018
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