

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

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Writ Petition No.19745 of 2018

Date: 19.06.2018

Between:

Shaik Imtiyaz Basha

... Petitioner

and

The State of Andhra Pradesh
Rep. by its Prl.Secretary,
Home Dept., Secretariat
Velagapudi, Amaravathi,
Guntur District and 5 others

...Respondents

Counsel for the Petitioner:

Mr.Rizwan Ali

Counsel for the respondents:

AGP attached to AG (AP)

The Court made the following:



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

This Writ Petition is filed for a Habeas Corpus directing the respondents to produce the petitioner's son by name Shaik Gulzar Mohammed @ Munna (for short 'the alleged *detenu*'), aged 20 years, before this Court and set him free.

At the hearing, Mr.Rizwan Ali, 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 Counsel further submitted that the Police have kept the alleged *detenu* in illegal custody from 25-05-2018 till he was produced before the Jurisdictional Magistrate on 13.06.2018.

The issue as to whether the Police have kept the alleged *detenu* in illegal custody, as alleged by the petitioner, needs to be adjudicated 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 alleged illegal custody.

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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