

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

**and**

**The Hon'ble Sri Justice Gudiseva Shyam Prasad**

**Writ Petition No.25628 of 2018**

**Date: 31.07.2018**

**Between:**

Smt.Gogula Aruna

**... Petitioner**

**and**

The State of Andhra Pradesh  
Rep. by its Prl.Secretary,  
Home Department,  
Secretariat, Hyderabad  
and 3 others

**...Respondents**

**Counsel for the Petitioner:**

**Mr.Nagaraju Naguru**

**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 issue of Habeas Corpus declaring the action of respondent Nos.3 and 4, in detaining the petitioner's husband- Gogula Shivayya (for short 'the alleged *detenu*') from 04-07-2018, as illegal and arbitrary. The petitioner sought for a consequential direction from respondent Nos.3 and 4 to produce the alleged *detenu* before this Court and set him at liberty.

The learned Assistant Government Pleader representing the learned Advocate-General for the State of Andhra Pradesh stated that the counter-affidavit is filed. However, the same is not put up on file. Be that as it may, the learned Assistant Government Pleader submitted, which is not disputed by the learned Counsel for the petitioner, that the alleged *detenu* was produced before the jurisdictional magistrate on 26-07-2018, and that he was remanded to judicial custody.

The learned Counsel for the petitioner, however, submitted that the claim of the respondents that the alleged *detenu* was taken into custody on 26-07-2018 is not correct and that as a fact, he was taken into illegal custody on 04-07-2018. As this aspect falls in the realm of disputed question of fact, it is not possible for this Court

to adjudicate the same in this Writ Petition. If the petitioner or the alleged *detenu* is so interested, they are entitled to seek appropriate legal remedies against the alleged illegal custody.

Subject to the liberty given as above, the Writ Petition is dismissed as infructuous.

As a sequel to dismissal of the Writ Petition, IA.No.1 of 2018, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 31<sup>st</sup> July, 2018  
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