

THE HON'BLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Writ Petition No.42318 of 2018

ORDER: (Per the Hon'ble Sri Justice Raghvendra Singh Chauhan)

The present Habeas Corpus Writ Petition has been filed on the ground that the Station House Officer, III Town Police Station, Ananthapuramu had picked up the petitioner's son, Mr.D.Gopal Naik, on 19.11.2018 and ever since then, his whereabouts are unknown.

By order dated 23.11.2018, this Court had issued notice to the respondents. Consequently, today, the learned Assistant Government Pleader for Home, Mr.Ram Babu, informs this Court that Mr.D.Gopal Naik was arrested on 22.11.2018 in connection with Crime No.239 of 2018, registered for offence under Section 379 I.P.C, on the file of the III Town Police Station, Ananthapuramu; on the same day, he was produced before the concerned Magistrate who has remanded him to judicial custody. Hence, his present custody is a legal one.

On the other hand, learned counsel for the petitioner submits that from 19.11.2018 to 22.11.2018, Mr.D.Gopal Naik was kept in illegal detention. Therefore, an illegal act has been committed by the police.

Interestingly, the Habeas Corpus Writ Petition was filed on 22.11.2018 the date on which Mr.D.Gopal Naik was allegedly arrested by the police. Therefore, this Court has asked the learned Assistant Government Pleader whether the relatives of Mr.D.Gopal Naik were informed with regard to his arrest as required by Section 50A of Cr.P.C or not?. To this query, the learned Assistant Government Pleader has pointed out that the relatives of Mr.D.Gopal

Naik were indeed informed by the police. In order to buttress this plea, he has drawn the attention of this Court to a notice under Sections 50 & 50A of Cr.P.C sent by the Sub-Inspector of Police, Ananthapuramu III Town Police Station to the Special Judicial First Class Magistrate (Mobile), Ananthapuramu.

However, a bare perusal of the said notice clearly reveals the contents as under:

“It is to submit that I have supplied copies of F.I.R and remand requisition and furnished to the accused. They were informed about their accusation against them. Their relatives were informed about their arrest.

This is for favour of information.”

The contents of this notice are rather disturbing. For, a mere statement that *“their relatives were informed about their arrest”* does not conform to the requirement of law. The said statement is absolutely vague, as it does not contain particular facts with regard to the person to whom the information was relayed, the date on which the information was given, the time at which the information was given, and the relationship of the person to whom the information was given with the alleged offender. Therefore, a bland statement cannot be accepted as the gospel truth that, in fact, the relatives of Mr.D.Gopal Naik were ever informed with regard to his arrest by the police.

Therefore, this Court directs the Director General of Police to ensure that all police stations are duly informed of the requirement of law with regard to the relaying of information with respect to the arrest of a person. Such vague statements can never be accepted by the Court as adhering to the requirement of law. A copy of this order shall be sent by the Registry to the Director General of Police for his information and necessary action.

However, as the detention of Mr.D.Gopal Naik happens to be a legal one, this Habeas Corpus Writ Petition no longer survives. It is, hereby, disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, J)

(M. SATYANARAYANA MURTHY, J)

30th November, 2018
JSU



THE HON'BLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY



Writ Petition No.42318 of 2018

Date: 30.11.2018

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