

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

Writ Petition No.42361 of 2018

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

The present Habeas Corpus Writ Petition has been filed, *inter-alia*, on the ground that the petitioner's son Mr.Kazam Ali Khan was picked up on 20.11.2018 after his son had received a phone call from one Mr.Anil, who introduced himself as Constable, working in Jubilee Hills Police Station. According to the petitioner, his son's whereabouts are unknown since 20.11.2018. On 23.11.2018 this Court issued notice to the State.

Learned Government Pleader for Home appearing on behalf of the Learned Advocate-General, submits that the petitioner's son was picked up by the police in connection with Crime No.140 of 2018 registered by the Kondapur Police Station for the offences under Sections 454 and 380 of IPC. He was arrested on 22.11.2018, and produced before the Judicial Magistrate of First Class, Special Mobile Court, Sangareddy. The Learned Magistrate sent the detainee to judicial custody. Therefore, according to the Learned Government Pleader for Home, the custody of the petitioner's son is not illegal, but a legal one.

Learned Counsel for the petitioner on the other hand pleads that between 20.11.2018 and 22.11.2018 the petitioner's son was kept in illegal custody.

Heard Learned Counsel for the parties.

It is trite to state that the issue with regard to the legality or illegality of the detention has to be decided on the date the case comes-up for hearing. As of today, the petitioner's son, Mr.Kazam Ali Khan, is in judicial custody in connection with Crime No.140 of 2018 of Kondapur Police Station. Hence, his custody is not an illegal one. It is clearly a custody in accordance with law.

For the reasons stated above, this Habeas Corpus Writ Petition no longer survives; therefore, the same is hereby disposed of. The Miscellaneous Petitions, if any pending, shall also stand disposed of. No costs.



RAGHVENDRA SINGH CHAUHAN, J.

M.SATYANARAYANA MURTHY, J.

Date:26.11. 2018.

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