

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

Writ Petition No.43327 of 2018

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

The present Habeas Corpus Writ Petition has been filed ostensibly on the ground that the petitioner's brother Mr.Uday Bhaskar Goud has gone missing from 25.11.2018 and Mr.Janardhan Reddy from 24.11.2018. By order dated 28.11.2018, this Court had directed the State to produce the two detenus before this Court today. However, today, the learned Special Government Pleader submits that on 21.11.2018, an F.I.R was chalked out vide F.I.R.No.900 of 2018 at Medipally Police Station for offence under Section 302 I.P.C. Although the F.I.R was registered against unknown accused persons, but during the investigation, both Mr.Uday Bhaskar Goud and Mr.Janardhan Reddy have been arrested by the police on 29.11.2018. Subsequently, they have been remanded to judicial custody by the III Metropolitan Magistrate, Cyberabad at L.B.Nagar. Hence, their present custody is not an illegal one.

Learned counsel for the petitioner concedes that both Mr.Uday Bhaskar Goud and Mr.Janardhan Reddy have been arrested in the said case. However, he pleads that atleast from 25.11.2018 in the case of Mr.Uday Bhaskar Goud and from 24.11.2018 in the case of Mr.Janardhan Reddy, they were kept illegally in police custody.

Heard learned counsel for the parties.

The legality of a custody has to be considered on the date when the petitioner is heard by the Court. As of today, both Mr.Uday Bhaskar Goud and Mr.Janardhan Reddy are in judicial custody. Therefore, as of today, their custody is a legal one. Even if there is an allegation that they were illegally detained for a few days by police, the petitioner has

ample legal remedies to be pursued, but nonetheless, as of today, the Habeas Corpus petition no longer survives and, therefore, stands dismissed. 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
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Writ Petition No.43327 of 2018

Date: 30.11.2018

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