

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V. BHATT**

WRIT PETITION No.45541 OF 2018

Order : (Per The Hon'ble The Chief Justice Sri Thottathil B. Radhakrishnan)

This Writ Petition is filed in relation to the affairs of Shaik Irfan Ahmed, described in the Writ Petition.

2. We have heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home.

3. It is submitted by the learned Assistant Government Pleader for Home that the aforementioned person is under detention in connection with different Criminal Cases and is covered by remand orders. He is an under-trial personnel. The plea of the petitioner is that Shaik Irfan Ahmed has been subjected to third degree torture by the custodians of the jail and other jail authorities.

4. This is a complaint, which can be raised before the jurisdictional Magistrate before whom any or all of the cases against the said person are pending for further proceedings. Such complaint can be generated by the detenu himself when he is produced before the trial Court in the course of the proceedings, which can also be by the institution of a complaint or petition before the jurisdictional Magistrate, by anybody on behalf of the said detenu.

5. In the light of the said remedy, which will also pave way for the jurisdictional Magistrate to consider, we close this Writ Petition without prejudice to such course.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

14th December, 2018.

pnb

