

**HIGH COURT FOR THE STATE OF TELANGANA**

**THE HON'BLE THE ACTING CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN**

**AND**

**THE HON'BLE DR. JUSTICE SHAMEEM AKTHER**

**WRIT PETITION NO.11904 of 2019**

**Date: 18.06.2019**

Between:

J. Balaji

...Appellant

and

The State of Telangana and others

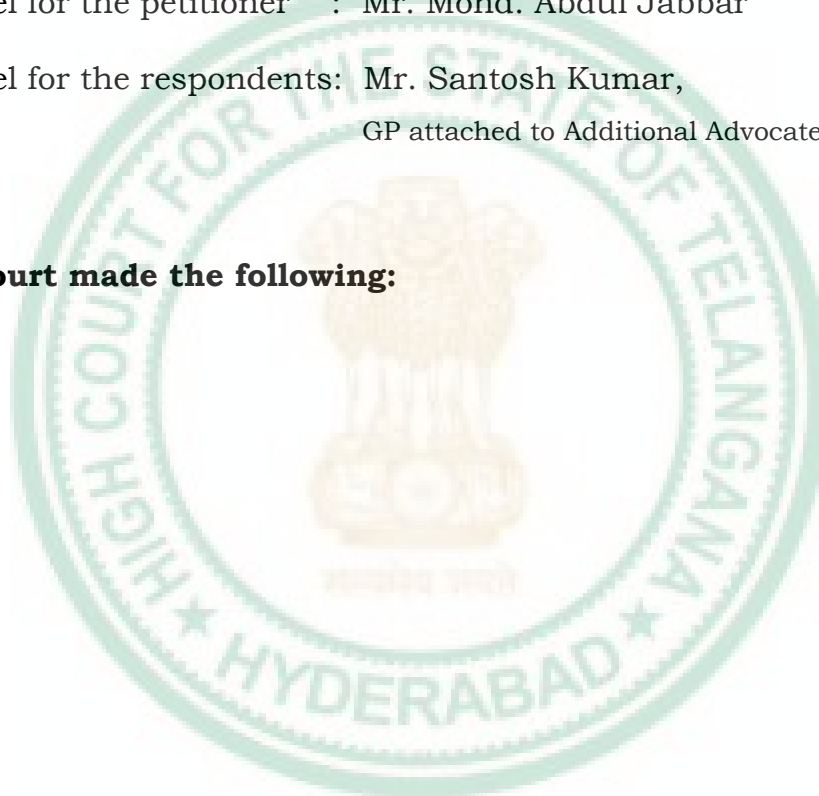
...Respondents

Counsel for the petitioner : Mr. Mohd. Abdul Jabbar

Counsel for the respondents: Mr. Santosh Kumar,

GP attached to Additional Advocate General

**The Court made the following:**



**ORDER:** (Per the Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)

The petitioner, Mr. J. Balaji, has filed the present Habeas Corpus petition, ostensibly, on the ground that his brother, Mr. J. Shiva Krishna, is being illegally detained by the police.

The brief facts of the case are that according to the petitioner, on 10.06.2019 he was intercepted by a police constable at 9:00 am. The constable took the petitioner to the police station and kept him in the police station for twelve hours, i.e till 9:00 pm. Around 9:30 pm, one of the petitioner's friend came to the police station, and got him released on the condition that the petitioner would surrender his brother, Mr. J. Shiva Krishna, the detenu in this case. On the next day i.e 11.06.2019, the petitioner went to the police station and assured that he will surrender his brother, the detenu, on 12.06.2019. On 12.06.2019 around 9:00 am, he produced the detenu before the Sub-Inspector, Mr. Raghuram. Ever since then, his brother is being illegally detained by the police. Hence, the present Habeas Corpus petition before this Court.

Mr. Mohd. Abdul Jabbar, the learned counsel for the petitioner, has pleaded that from 12.06.2019 to 14.06.2019, the petitioner's brother was illegally detained by the police. On 14.06.2019, he was falsely implicated in F.I.R.No.384 of 2019. Therefore, his detention in the police station from 12.06.2019 to 14.06.2019 was an illegal one.

On the other hand, Mr. Santosh Kumar, the learned counsel for the State, submits that on 14.06.2019, the prosecutrix filed an F.I.R against the petitioner and his family members, including detenu, for offences under Sections 420, 417, 493, 376(2)(n), 312,

506 read with 109 I.P.C. It is in this connection that the detenu was arrested by the police, and promptly produced before a learned Judicial Magistrate. Since the learned Judicial Magistrate has remanded the detenu to judicial custody, the detenu is presently in judicial custody. Hence, his custody is not an illegal one.

Heard the learned counsel for the parties and perused the record submitted by the learned counsel for the State.

Since the petitioner's brother, Mr. J. Shiva Krishna, has been arrested, and duly produced before the learned Judicial Magistrate, since he is in judicial custody, his custody is not an illegal one.

Therefore, this Court does not find any merit in the present writ petition; it is, hereby, dismissed. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

**(RAGHVENDRA SINGH CHAUHAN, ACJ)**

**(DR. SHAMEEM AKTHER, J)**

18<sup>th</sup> June, 2019  
JSU

**High Court for the State of Telangana****THE HON'BLE THE ACTING CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN****AND****THE HON'BLE DR. JUSTICE SHAMEEM AKTHER****WRIT PETITION NO.11904 of 2019****(Per the Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)****Date: 18.06.2019****JSU**