

High Court for the State of Telangana

The Hon'ble The Chief Justice Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice A. Abhishek Reddy

W.P. No. 19135 of 2019

Date: 20-09-2019

Between:

Abdul Wasee Khan

...Petitioner

And

The State of Telangana
Rep. by its Principal Secretary
Department of Home, Secretariat Buildings
Hyderabad and 4 others

...Respondents

Counsel for the petitioner: Mr. Mohd. Faseehuddin

Counsel for the respondents: Mr. Sripathi Santosh Kumar
GP attached to the office of AAG

The Court made the following:

Order: (per Hon'ble The Chief Justice Raghvendra Singh Chauhan)

The present Habeas Corpus petition has been filed ostensibly on the ground that the petitioner's brother, namely Fazil Khan (for short 'the *detenu*'), was picked up by the Police on 27-08-2019. Despite the fact that he has been looking for his brother, he is unable to trace his whereabouts.

Mr. Sripathi Santosh Kumar, the learned Government Pleader, submits that on 29-08-2019, a complaint was lodged by Mr. Mohammed Tahir at Falaknuma Police Station, wherein he named the *detenu* as an accused. It is in connection with the said complaint that an FIR, namely FIR No. 265 of 2019, was registered for the offences under Sections 307 r/w 34 IPC and 109 IPC, and the *detenu* was arrested by the police. The *detenu* was produced before the judicial officer concerned on 30-08-2019 at 10.00 a.m., and ever since then, he has been in judicial custody. Therefore, according to the learned Government Pleader, the present custody of the *detenu* is not an illegal one.

The learned counsel for the petitioner has vehemently contended that even if the *detenu* has been sent to judicial

custody, even then, his custody with the Police from 27-08-2019 till 30-08-2019 is an illegal one.

Suffice it to say, that as on today, the *detenu*'s judicial custody is not an illegal one. Therefore, this Court does not find any merit in the present Habeas Corpus petition. However, in case the petitioner is aggrieved by the alleged illegal custody of the *detenu* with the police from 27-08-2019 to 30-08-2019, he shall be free to take recourse to the legal remedies available to him.

With these observations, the writ petition stands disposed of.

As a sequel, miscellaneous petitions, pending if any, stand dismissed as infructuous.

(Raghvendra Singh Chauhan, CJ)

(A. Abhishek Reddy, J)

Dt: 20th September, 2019
lur