

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

WRIT PETITION No.26375 of 2019

Date: 02.12.2019

BETWEEN

Smt. Afreen.

... PETITIONER

AND

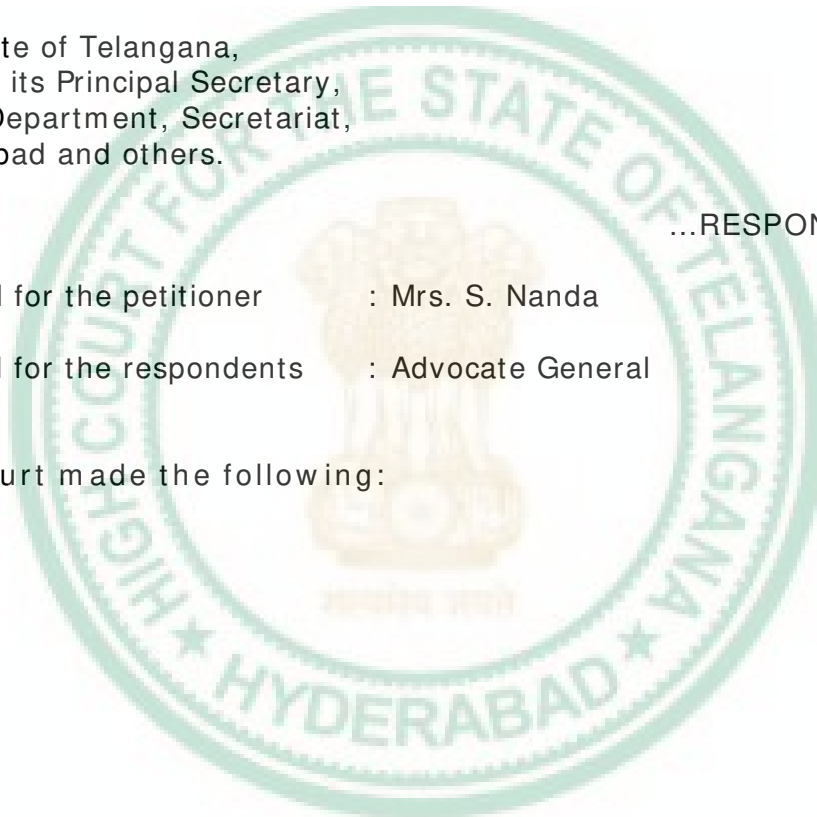
The State of Telangana,
Rep. by its Principal Secretary,
Home Department, Secretariat,
Hyderabad and others.

...RESPONDENTS

Counsel for the petitioner : Mrs. S. Nanda

Counsel for the respondents : Advocate General

The Court made the following:



ORDER: { Per the Hon'ble the Chief Justice Sri Justice Raghvendra Singh Chauhan}

The petitioner has filed the present Habeas Corpus petition ostensibly on the ground that the petitioner's husband, Mohd. Jameel @ Nawab, was picked up by the police on 24.11.2019. Ever since then, his whereabouts are unknown. Therefore, according to the petitioner her husband happens to be in illegal custody of the respondent No.4.

2. Mr. Sripathi Santosh Kumar, learned counsel for the State, submits that on 23.11.2019, one Sri Siramsetty Venkata Srinivas has lodged a complaint with the Police Station, Gachibowli, wherein he claimed that on the night of 22.11.2019, he and his friends were going to play ball-badminton in Venu Sports Junction, Kondapur area. When they reached near to Heritage towards Chandrababu Naidu Farm house, at a distance of 500 meters away from Venu Sports Junction, they observed that a person was lying in a pool of blood with stab injuries, and three knives were lying next to him. They immediately called the Emergency No.100 for Ambulance, and shifted the injured person to the Medico Hospital, Madhapur for treatment. The said complaint was registered as FIR.No.636 of 2019 for offence under Section 302 of the Indian Penal Code as the person was pronounced to be "brought dead" by the hospital. The investigation commenced. During the course of the investigation, the wife of the deceased categorically stated in her 161 Cr.P.C statement that there was a dispute between her husband, the deceased, and the detenu over a property. Subsequently, during the investigation, the detenu was arrested on 27.11.2019 and produced before the concerned Magistrate on 28.11.2019. The learned Magistrate had sent the detenu to judicial custody. Therefore, presently, the detenu is in judicial custody. Therefore, according to the learned counsel, the said custody is not an

illegal one. Moreover, the petitioner has not challenged the remand order before this Court.

3. On the other hand, the learned counsel for the petitioner submits that despite the fact that the petitioner's husband was picked up by the police on 23.11.2019, he was not shown as an arrested person till 27.11.2019. Therefore, his detention during the period between 23.11.2019 to 27.11.2019 is an illegal one.

4. Heard the learned counsel for the parties.

5. Needless to say that the legality of the custody has to be adjudged on the date when the case is argued. As of today, the detenu happens to be in judicial custody that too only due to an order passed by the concerned Magistrate. Hence, as of today, the custody of the detenu is not an illegal one. Hence, this Court does not find any merit in the present habeas corpus petition.

For the reasons stated above, the writ petition is, hereby, dismissed. As a sequel, miscellaneous petitions, pending if any, shall stand dismissed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, CJ

A. ABHISHEK REDDY, J

December 2, 2019
DSK