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.26695 of 2019

Date: 02.12.2019

BETWEEN

Potti Ravi Kumar.

... PETITIONER

AND

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

...RESPONDENTS

Counsel for the petitioner : Mr. B. Nalin Kumar

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

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 his son, Mr. Potti Lokesh Sri Datta, was picked up by the police on 27.11.2019 from Nellore. Ever since then his whereabouts are unknown. Hence, he is being illegally detained by the police.

2. Mr. Sripathi Santosh Kumar, the learned counsel for the State, submits that on 25.11.2019, the prosecutrix had lodged a complaint against the detenue, based on which FIR.No.923 of 2019 was chalked out by the Police Station, Madhapur, for offences under Sections 354, 354D, 384 and 506 of the Indian Penal Code. During the course of investigation, the petitioner's son was arrested by the police on 01.12.2019. He has been produced before the concerned Magistrate. The learned Magistrate has sent him to judicial custody. Therefore, according to the learned counsel, at present, the custody of Mr. Lokesh is a legal one.

3. On the other hand, the learned counsel for the petitioner submits that the police had, in fact, picked him on 27.11.2019. They have not shown his arrest till 01.12.2019. Therefore, during the period between 27.11.2019 to 01.12.2019, the detenu was kept in illegal detention by the police.

4. Heard the learned counsel for the parties.

5. Needless to say, the legality of the custody has to be seen on the date of hearing of the petition. As of today, the detenu is under judicial custody due to an order passed by the learned Magistrate. Hence, as of today, the custody of the detenu is a legal one.

Therefore, 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.

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RAGHVENDRA SINGH CHAUHAN, CJ

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A. ABHISHEK REDDY, J

December 2, 2019
DSK

HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD