HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION NO: 10739 OF 2020

Between:

Sri Kethavath Vishwanath S/o.N Kethavath Hatya Nayak, Occ-Agriculture, R/o. H. No. 5-48/B, Guru chetlu Thanda, Nagdhar Village, Kalher Mandal, Sangareddy District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Superintendent of Police, Nalgonda District.
3. The Station House Officer, Kattangur Police Station, Nalgonda District.
4. The Station House Officer, Kalher Police Station, Sangareddy District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or orders more particularly one in the nature of Writ of Habeas Corpus directing the respondent No.2 and 3 herein to produce the detenues namely 1). Kethavath Ravi, S/o. Vishwanath, aged 27 years, Occ-Coolie, R/o. H. No.5-48/B, Guru chetla Thanda, Nagdhar, Kalher Mandal, Medak District, and 2). Banavath Raju, S/o. Banavath Pomya Naik, aged about 21 years, Occ-Agriculture, R/o.H. No. 2-97, Shelgera village, Medak District before this Honble High Court and record the detenues statements and set them at liberty forthwith and based on the statements direct the respondents herein to initiate criminal and departmental action against the erring police officials for violating the law of land and guide lines of D.K. Basu Judgment

Counsel for the Petitioner: SRI PALLE SRIHARINATH

Counsel for Respondents: SPECIAL GOVERNMENT PLEADER FOR ADDITIONAL ADVOCATE GENERAL (TG)

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.10739 OF 2020

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

The present habeas corpus petition has been filed ostensibly on the ground that Mr. Kethavath Ravi, and Mr. Banavath Raju, were picked up by the police on 27.06.2020, and their whereabouts eversince then are unknown. Therefore, the petitioner is of the opinion that both the detenus are illegally detained by the respondent No.3, the Station House Officer, Kattangur Police Station, Nalgonda District.

The learned Special Government Pleader submits that in fact, both the detenus were shown as the accused No.1, and the accused No.4, in crime No.114 of 2020. Therefore, they were arrested on 16.07.2020; they were produced before the concerned Magistrate on 17.07.2020; they were directed to be kept in judicial custody by the concerned Magistrate. Hence, presently both the detenus are in judicial custody. Therefore, according to the learned counsel, the custody is a legal one.

The fact that the detenus have been arrested, and have been sent to judicial custody, has not been challenged by the learned counsel for the petitioner.

The only contention raised by the learned counsel for the petitioner is that in fact, both the detenus were detained by the police on 27.06.2020 onwards, that even the criminal case registered against them is a fabricated one. Therefore, according to the learned counsel, the detenus were kept in illegal detention from 27.06.2020 till 16.07.2020.

Whether the criminal case is a fabricated one, or not, whether the detenus were indeed, picked up on 27.06.2020, and kept illegally till 16.07.2020, are disputed questions of facts – facts that this Court cannot be gone into in this habeas corpus petition.

Be that as it may, as of today, both the detenus are in judicial today. Therefore, the custody is a legal one. Hence, this Court does not find any merit in this habeas corpus petition.

Therefore, the writ petition, is hereby, dismissed. Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

SD/- M.MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri Palle Sriharinath Advocate [OPUC]
2. Two CCs to the Advocate General, High Court for the State of Telangana (OUT)
3. Two CD Copies

MBC

HIGH COURT

DATED: 20/07/2020



ORDER

WP.No.10739 of 2020

DISMISSING THE WRIT PETITION

WITHOUT COSTS

SSV
5 copies
28/7/2020