

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE SRI JUSTICE D.S.R.VARMA
and
THE HON'BLE SRI JUSTICE R. KANTHA RAO

WRIT PETITION No.14427 of 2009

Between:

Smt.Reena Begum W/o.Mohd. Jaffer
R/o.Kishan Bagh, Hyderabad.

..... PETITIONER

AND

- 1 The Commissioner of Police, Kurnool City, Kurnool District.
- 2 The Deputy Commissioner of Police, Kurnool , Kurnool District.
- 3 The Assistant Commissioner of Police, Kurnool , Kurnool District.
- 4 The Station House Officer, Panyam P.S., Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Habeas Corpus or any other appropriate Writ, directing the respondents to produce the detenues 1) Mr.Mohd. Jaffer, S/o. Mohd. Dawood, aged 28 years, Occ: Auto Driver, R/o. Kishan Bagh, Hyderabad 2) Mohd. Jameeruddin, S/o. Mohd. Muniruddin, aged 28 years, Occ:Lorry Driver, R/o. Chiragpally, Zaheerabad, Medak District before this Hon'ble Court forthwith and set them at liberty.

Counsel for the Petitioner:MR.ANDHUGULA RAMESH BABU

Counsel for the Respondent No.: THE ADVOCATE GENERAL

The Court made the following :

**THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE R.KANTHA RAO**

WRIT PETITION No.14427 of 2009

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ORAL ORDER : (per the Hon'ble Sri Justice D.S.R.Varma)

Heard learned counsel for the petitioner as well as the learned Assistant Government Pleader, representing the learned Advocate General, appearing for the respondents.

2. This Writ of Habeas Corpus is filed by the petitioner seeking to direct the respondent to produce the alleged detenus viz., 1) Sri Mohd. Jaffer, S/o. Mohd. Dawood, aged 28 years, Occ: Auto Driver, R/o. Kishan Bagh, Hyderabad; and 2) Sri Mohd. Jameeruddin, S/o. Mohd. Muniruddin, aged 28 years, Occ: Lorry Driver, R/o. Chiragpally, Zaheerabad, Medak District, who were allegedly detained by the fourth respondent police, before this Court, forthwith, and set them at liberty.

3. When the matter came up for hearing, it is represented by the learned counsel for petitioner that the alleged detenus were not arrested by the police of Panyam Police Station, Kurnool District, as alleged in the writ petition, but it came to light that the alleged detenus were arrested by Malkajgiri Police in connection with various crimes, namely (1) Crime No.433 of 2008 for the offences punishable under Sections 454 and 380 I.P.C. of Malkajgiri Police Station; (2) Crime Nos.407 and 370 of 2008 for the offences punishable under Sections 454 and 380 I.P.C. of Asif Nagar and Langerhouse Police Stations, respectively; and (3) Crime No.534 of 2006 of Malkajgiri Police Station.

4. A counter affidavit has been filed by the Station House Officer, Panyam Police Station, Kurnool District, stating that the alleged detenus were not at all arrested by them.

5. In view of the said fact that the alleged detenus were arrested by

the police of Malkajgiri Police Station and were remanded to judicial custody by the X Metropolitan Magistrate, Malkajgiri, Cyberabad, on 28.7.2009, the question of issuing Writ of Habeas Corpus does not arise.

6. In the result, the writ petition is closed, at the stage of admission. There shall be no order as to costs.

JUSTICE D.S.R.VARMA

JUSTICE R.KANTHA RAO

31-07-2009

Msr

THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE R.KANTHA RAO

WRIT PETITION No.14427 of 2009

31-07-2009
(Msr)