

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 6th day of May 2010

Present

Hon'ble Mr. Justice JAWAD RAHIM

And

Hon'ble Mr. Justice K. GOVINDARAJULU

WRIT PETITION No.78/2010 (HC)

BETWEEN:

Smt. Padma,
W/o Late Papanna,
Aged about 45 years,
Residing at No:14, Vinayaka Nagar,
1st Main, 1st Cross,
Bangalore - 50.

...PETITIONER

(By Sri.V.Lakshmikanth Rao & M.Sathish, Advs.,)

And:

1. State of Karnataka,
By Home Secretary,
Home Department,
Vidhana Soudha,
Bangalore.
2. Director General of Police,
State of Karnataka,
Bangalore.



3. The Commissioner of Police,
Bangalore City, Infantry Road,
Bangalore - 560 001.
4. Inspector of Police,
Girinagara Police Station,
Girinagara, Bangalore. ...RESPONDENTS.

(By SRI.M.B.Vishwanath, AGA)

Writ Petition is filed under Article 226 of the Constitution of India praying to direct the respondents to forthwith produce the detinue before this Hon'ble Court and to set the detinue at liberty.

This Writ Petition coming on for preliminary hearing before the Court this day, Jawad Rahim, J made the following: -

ORDER

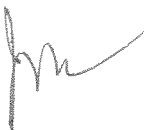
Padma, the petitioner herein has invoked Articles 226 and 227 of the Constitution of India and seeks to issue writ in the nature of Habeas Corpus for production of her nephew - Raghu, who is alleged to be in illegal confinement.

2. In support of the relief so sought, she has alleged Raghu, her nephew aged 24 years was residing with her doing business in Bakery at Bangalore. On 3.5.2010 at 10 a.m., some persons in



civil dress came to her house and dragged her nephew Raghu forcibly and took him away. On enquiry, she learnt they were officials from Girinagar Police Station and have kept her nephew in illegal detention. She has further alleged that she approached the local police station believing that her nephew is in illegal detention there, but the 4th respondent – Inspector of Police, Girinagar, chased her. Apprehending that Raghu's life is in danger, she has sought for issue of direction for production of her nephew.

3. In response to notice of this writ petition, Sri. M.B. Vishwanath, learned Additional Government Advocate has appeared and submits that Raghu was not taken into custody by 4th respondent or any police officials from Girinagar Police Station. He submits that Raghu has been taken to custody by Channammanakere Police Station for offences punishable under Sections 143, 144, 147, 148, 448 , 302 read with 149 IPC on 5.5.2010 and has been produced before the jurisdictional Magistrate. On



behalf of the petitioner, such statement on fact made by learned Additional Government Advocate Sri. M.B.Vishwanath has not been disputed. In these circumstances, Raghu is said to have been taken for interrogation for commission of criminal offence and is in custody of Channammanakere Police Station and has since been produced before the jurisdictional Magistrate. This petition does not survive. However, if the allegation of the petitioner is correct that Raghu was taken into custody on 3.5.2010, then the right of the Raghu is reserved to question the alleged illegal detention.

4. This petition is therefore disposed of as having become infructuous.

Sd/-
JUDGE

MP/msu

Continued.....

NOTE:

"This was the order dictated by me in Open Court on 06.05.2010 on behalf of the Division Bench consisting of myself and late Hon'ble Shri Justice K.Govindarajulu, with which Hon'ble Shri Justice K.Govindarajulu agreed."

Sd/-
Chief Justice

Sd/-
JUDGE