

THE HON'BLE SRI JUSTICE A.GOPAL REDDY
AND
THE HON'BLE SRI JUSTICE K.C.BHANU

Writ Petition No.20218 of 2010

Date: 31-8-2010

Between

Erothi Dalamma

... Petitioner

and

The Commissioner of Police,
Visakhapatnam, Visakhapatnam District
& Another.

... Respondents

This Court made the following:

**THE HON'BLE SRI JUSTICE A.GOPAL REDDY
AND
THE HON'BLE SRI JUSTICE K.C.BHANU**

Writ Petition No.20218 of 2010

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Order:

This is a taken up writ petition on the basis of telegram, dated 5.8.2010 sent by the petitioner complaining that her son namely, Erothi Sanyasi Rao has been illegally detained by the police of IV Town Police Station, Task Force, M.V.P. Colony, Visakhapatnam.

In response to the notice, the second respondent filed a counter stating that the alleged detenu is arrayed as A.2 in Crime No.387 of 2010 registered for the offence punishable under Section 382 I.P.C. on 4.7.2010 on the file of III Town Police Station, Visakhapatnam. The alleged detenu along with A.1 was taken into custody on 7.8.2010 and on the same day, he was produced before IV Additional Chief Metropolitan Magistrate, Visakhapatnam. On such production, he was remanded to judicial custody and pursuant to the remand order, he was lodged at Central Prison, Visakhapatnam. It is stated that apart from the above crime, the alleged detenu is also accused in Crime Nos.177 of 2010, 243 of 2010, 395 of 2010 and 200 of 2010.

Since the alleged detenu was arrested in connection with Crime No.387 of 2010 and pursuant to the remand order passed by IV Additional Chief Metropolitan Magistrate, Visakhapatnam he was lodged at Central Prison, Visakhapatnam, the question of

illegal detention by the police does not arise for issuing a writ of habeas corpus.

The writ petition is accordingly dismissed. No costs.

JUSTICE A.GOPAL REDDY

JUSTICE K.C. BHANU

AUGUST 31, 2010.
Tsr