

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

FRIDAY, THE THIRTY FIRST DAY OF OCTOBER  
TWO THOUSAND AND EIGHT

PRESENT  
**THE HON'BLE MR JUSTICE D.S.R.VARMA**  
and  
**THE HON'BLE MR JUSTICE K.C. BHANU**

**TAKEN UP W.P.No.23130 of 2008**  
and  
**W.P.No.23222 of 2008**

**Taken up W.P.No.23130 of 2008**

Between:

Avail Yellamma, W/o. late Ramaiah, Opp: Aware Hospital,  
Lingojiguda, Saroornagar, Hyderabad.

**..... PETITIONER**

AND

- 1 The Station House Officer, Kukatpally, Hyderabad.
- 2 The Commissioner of Police, Cyberabad, Hyderabad.

**.....RESPONDENT(S)**

For the reasons stated in the "Telegram" dated 20-10-2008 sent by the Petitioner herein, this Hon'ble Court may be pleased to issue an Order, direction, or a Writ, more particularly one in the nature of Writ of Habeas Corpus directing the Respondents herein to produce the grand son of the Petitioner, namely Durga Prasad, S/o. Basha, aged about 10 years, R/o. Lingojiguda, Saroornagar, Ranga Reddy District, before this Hon'ble Court, who was illegally detained by the police of Kukatpally on 18-10-2008 at 06.30 A.M., apprehending danger to his life and set him at liberty forthwith and to ass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner : TELEGRAM**

**Counsel for the Respondents : THE ADVOCATE GENERAL**

**W.P.No. 23222 of 2008**

Between:

Avali Yellamma W/o. Late Ramaiah  
R/o. Opp. Aware Hospital Lingojiguda Saroornagar, Ranga

Reddy District.

**..... PETITIONER**

AND

1 The Commissioner of Police Cyberabad At Lakdikapool,  
Hyderabad.

2 The Station House Officer P.S. Kukatpally, Cyberabad.

**.....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 an appropriate writ order or direction more particularly one in the nature of writ of Habeas Corpus to direct the respondent Police Authorities herein to produce the petitioners grand son Master Durga Prasad aged 10 yrs a juvenile S/o. Pitchikuntla Basha who is in wrongful confinement and under the illegal, custody of 2nd respondent for quite longer time since 19-10-08 with out any authority for recording his statement and consequently direct the respondents to pay damages after due recording the statement/s to set him at liberty and to pass

**Counsel for the Petitioner : MR.M.PRAVEEN KUMAR**

**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 K.C.BHANU**

**TAKEN UP W.P.No.23130 of 2008  
and  
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**ORAL COMMON ORDER : (per the Hon'ble Sri Justice K.C.Bhanu)**

Heard learned Assistant Government Pleader,  
representing the learned Advocate General, appearing for the  
respondents.

2. The allegation in both these writ petitions is that the  
grand-son of the petitioner viz., Sri Durga Prasad, s/o. P.Basha,

aged about 10 years, resident of Lingoiguda, Saroornagar, Ranga Reddy District, was allegedly detained by the police of Kukatpally Police Station, Cyberabad, on 18-10-2008 and that she is apprehending danger to his life and set him at liberty, forthwith.

3. A common counter affidavit has been filed by the Inspector of Police, Kukatpally Police Station, Cyberabad, stating that he caused enquiries with the petitioner and came to know that the alleged detenu is available with her and she stated that when her grand-son, who is the alleged detenu, went to attend the labour work and did not return home, on suspicion that the alleged detenu might have been taken away by the police of Kukatpally Police Station, she filed the writ petition and also sent a telegram to this Court. It is further stated in the counter affidavit that the alleged detenu as well as the petitioner were produced before the Deputy Collector-cum-Tahsildar, Balanagar Mandal, Ranga Reddy District, who recorded their statements. The statement of the petitioner would go to show that her grand-son viz., Durga Prasad was found missing in Rythu Bazar and on suspicion that he might have been taken away by the police of Kukatpally Police Station, she got issued a telegram. Thereafter, on 23-10-2008 her grand-son came to the house and informed her that due to intoxication he lost the way. Similarly, the alleged detenu also stated that due to intoxication he lost the way and did not come to the house and he was not taken away by the police at any point of time.

4. A perusal of the statements of both the petitioner as well as the alleged detenu would clearly go to show that the alleged detenu was not illegally and wrongfully detained by the Kukatpally Police. The statements of the alleged detenu as well as the petitioner recorded by the Deputy Collector-cum-Tahsildar, Balanagar Mandal, Ranga Reddy District were made part of the record.

5. Since the alleged detenu was not illegally or wrongfully detained and he is now moving freely, the question of issuing Writ of Habeas Corpus does not arise.

6. For the foregoing, we see no grounds in the writ petitions and the same are liable to be dismissed.

7. Accordingly, the writ petitions are dismissed, at the stage of admission. However, there shall be no order as to costs.

JUSTICE D.S.R.VARMA

JUSTICE K.C.BHANU

31-10-2008  
Msr.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Station House Officer, Kukatpally, Hyderabad.
- 2 The Commissioner of Police, Cyberabad, Hyderabad.
3. 2 CCs to the Advocate General, Government of Andhra Pradesh, High Court Buildings, Hyderabad. (OUT).
4. 2 CD copies

THE HON'BLE SRI JUSTICE D.S.R.VARMA  
AND  
THE HON'BLE SRI JUSTICE K.C.BHANU

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31-10-2008  
(Msr)