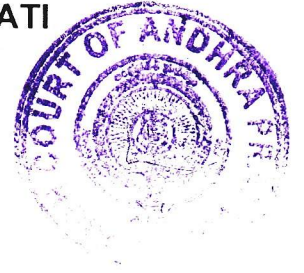


IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE



PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

AND

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 10985 OF 2025

Between:

Shaik Shabana, W/o Shaik Saleem Basha, Aged about 34 years, R/o. 28/850-N9, NGOs Colony, Nandyala, Nandyala District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Home, Secretariat Buildings Velagapudi, Amaravathi Andhra Pradesh.
2. The Director General of Police, Police Head Quarters, Mangalagiri Guntur District.
3. The Superintendent of Police, Nandyala, Nandyala District.
4. The Deputy Superintendent of police, Nandyala, Nandyala District.
5. The Circle Inspector of Police, III Town Police Station, Nandyala, Nandyala District.
6. The Sub Inspector of Police, III Town Police Station, Nandyala, Nandyala 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 Writ, order or direction more particularly one in the nature of Writ of Habeas Corpus directing the Respondents herein to

produce Shaik Saleem Basha S/o Shaik Khader Vali, aged 35 years, before this Hon'ble court from the illegal custody of the respondent police and may set him free forthwith.

Counsel for the Petitioner :SRI. P M MITHILESHWARA REDDY

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following:

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3525]

MONDAY, THE TWENTY EIGHT DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 10985/2025

Between:

Shaik Shabana

...PETITIONER

AND

The State of Andhra Pradesh,
Rep.by its Principal Secretary,
Department of Home, Secretariat Buildings,
Velagapudi, Amaravathi,
Andhra Pradesh and 5 Others.

... RESPONDENTS

Counsel for the Petitioner:

1.P .M. Mithileswara Reddy

Counsel for the Respondent(S):

1. Advocate General

The Court made the following order:

(per Hon'ble Sri Justice R. Raghunandan Rao)

The petitioner has filed the present Writ Petition for production of her husband, who is said to have been taken away by the police officials, on 23.04.2025.

2. The learned Government Pleader, on instructions, reported to this Court, on 25.04.2025, that the detenu had been arrested in Crime No.31 of 2025 registered with III Town Police Station, Nandyala, and was being produced before the Judicial First Class Magistrate, Allagadda as the Judicial First Class Magistrate, Nandyal before whom the detenu would have to be produced, is on leave.

3. Learned counsel for the petitioner today submits that the detenu had been produced before the Judicial First Class Magistrate, Dhone and has been remanded to judicial custody.

4. Learned counsel for the petitioner submits that the order of remand should not have been passed. He further submits that the remand report records that the detenu was served with a notice under Section 35(3), on 24.04.2025, to appear before the Investigating Officer, III Town Police Station, Nandyal and that he came to be arrested on 25.04.2025 as he was found to be in violation of Section 35(5) of BNSS and that he was going to destroy evidence in the case. The learned counsel for the petitioner submits that all these reasons are factually incorrect and the learned Magistrate has taken these facts into account.

5. It appears that the issues raised before this Court, have not been raised before the Magistrate. In such circumstances, this Court cannot hold that the remand order passed by the Magistrate is incorrect. Further, a Writ of Habeas Corpus would not be available to the petitioner once an order of

remand has been passed by the competent Magistrate, unless the said order is passed without application of mind or in a mechanical manner or amounts to a competent illegality.

6. In the circumstances, this Writ Petition is dismissed leaving it open to the petitioner or the detinue to seek a reconsideration of the remand order, after placing all the necessary material before the Magistrate or to challenge the said remand order, in accordance with law before an appropriate forum. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

SD/- V.DIWAKAR
DEPUTY REGISTRAR


SECTION OFFICER

//TRUE COPY//

To,

1. One CC to SRI. P M MITHILESHWARA REDDY Advocate [OPUC]
2. Two CCs to The Advocate General, High Court of Andhra Pradesh [OUT]
3. Three CD Copies

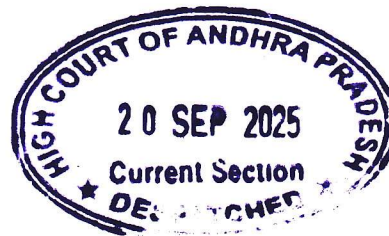
PSR

HIGH COURT

DATED:28/04/2025

ORDER

WP.No.10985 of 2025



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**