

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

FRIDAY, THE FIFTH DAY OF JUNE
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI
AND
THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI



WRIT PETITION NO: 9725 OF 2020

Between:

Kolaventy Kaveri Lakshmi Bhai, W/o. Sundara Rao, Aged 73 years, R/o.D-No.50-102-2, TPT Colony, Near SBH Bank Seethammadara North Extension, Visakhapatnam, Andhra Pradesh-530013.

...PETITIONER

AND

1. The State of Andhra Pradesh, rep.by its Principal Secretary (Home Dept), Secretariat Buildings, at Amaravathi, Guntur District, Andhra Pradesh.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Health, Medical and Family Welfare Department, 5th Block, Ground Floor Room. No.157, AP Secretariat, Velagapudi, Guntur District, Andhra Pradesh
3. The Director General of Police, Visakhapatnam, Andhra Pradesh
4. The Commissioner of Police, Visakhapatnam, Andhra Pradesh
5. The Supdt. of Police, Central Bureau of Investigation, 1-83-21/4, MVP Double Rd, Sector 8, MVP colony, Visakhapatnam, Andhra Pradesh
6. The Medical Superintendent, Mental Hospital, Visakhapatnam.

...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 a writ of Habeas Corpus, directing the respondents more particularly respondent No.5 to cause production of petitioner son by name Dr. Sudhakar, who is in the custody of respondent No.6, before this Honble Court.

Counsel for the Petitioner: SRI JADA SRAVAN KUMAR

Counsel for Respondent No.1: GP FOR HOME

**Counsel for Respondent Nos.,3,4 & 6: SRI Y.VIVEKANANDA attached to
A.G.OFFICE**

Counsel for Respondent No.2: GP FOR MEDICAL, HEALTH & FAMILY WELFARE

**Counsel for Respondent No.5: SRI B.S.P.CHOWDARY, Spl.PUBLIC PROSECUTOR
FOR CBI**

The Court made the following: ORDER

**THE HON'BLE SRI JUSTICE A.V.SESHA SAI
AND
THE HON'BLE SMT JUSTICE LALITHA KANNEGANTI**

WRIT PETITION No. 9725 of 2020

ORDER: (Per AVSS,J)

This Writ Petition is filed under Article 226 of the Constitution of India for a writ of *Habeas Corpus*, wherein a direction is sought by the petitioner herein to the respondents in general and respondent No.5 in particular to cause production of the petitioner's son, Dr.K.Sudhakar before this Court.

Though a number of contentions have been urged by Sri Jada Sravan Kumar, learned counsel for the petitioner, so also Sri Y.Vivekananda, learned Government Pleader attached to the office of Advocate General and Sri BSP Chowdary, learned Special Public Prosecutor for Central Bureau of Investigation (CBI), during the course of arguments, on instructions, it is eventually submitted by Sri Y. Vivekananda, learned Government Pleader attached to the office of the learned Advocate General that the alleged detenu is not in custody of the State Police and he is in Government Mental Health Care Hospital, Visakhapatnam since 16.05.2020 and if the alleged detenu wants to get himself discharged from the hospital, he can do so for better treatment, if any. On the other hand, the learned Special Public Prosecutor for CBI submits that pursuant to the orders of this Court in suo-moto

W.P. (PIL) No.124 of 2020, crimes have been registered and investigation is taken over by CBI and statements of certain individuals have also been recorded. It is further submitted by the learned Special Public Prosecutor for CBI that CBI has never taken the alleged detenu into custody. It is further submitted by Sri Y. Vivekananda, learned Government Pleader that with regard to the illegal custody, if any, in suo-moto W.P.(PIL) No.124 of 2020, a Division Bench of this Court kept it open to be enquired into by CBI and it is not disputed by learned counsel for the petitioner. When the learned Government Pleader brought to the notice of this Court with regard to the pendency of W.P.No.9598 of 2020, which is filed by Dr.K.Sudhakar, learned counsel for the petitioner has submitted that necessary steps would be taken for the purpose of withdrawing the same having regard to the order in the present Writ Petition. It is also submitted by learned Government Pleader that the detenu requires further medical treatment and if he desires, he can go to other hospital for better treatment.

In view of the above reasons, Writ Petition is disposed of by placing the submission made by the learned Government Pleader, on record that if the alleged detenu wants to get himself discharged from Government Hospital for Mental Care, Visakhapatnam, he can do so, for better treatment, if any, as per procedure. It is needless to observe that the

alleged detenu shall cooperate with the investigation being undertaken by CBI. There shall be no order as to costs.

Miscellaneous petitions, if any pending, in the Writ Petition, shall stand closed.

Sd/- R.KARTHIKEYAN
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary (Home Dept), Secretariat Buildings, At Amaravathi, Guntur Dist, Andhra Pradesh.
2. The Principal Secretary, Health, Medical and Family Welfare Department, 5th Block, Ground Floor Room. No.157, AP Secretariat, Velagapudi, Guntur District, Andhra Pradesh
3. The Director General of Police, Visakhapatnam Andhra Pradesh
4. The Commissioner of Police, Visakhapatnam, Andhra Pradesh
5. The Supdt., of Police, Central Bureau of Investigation, 1-83-21/4, MVP Double Rd, Sector 8, MVP colony, Visakhapatnam, Andhra Pradesh
6. The Medical Superintendent, Mental Hospital, Visakhapatnam.
7. One CC to SRI JADA SRAVAN KUMAR, Advocate [OPUC]
8. One CC to SRI Y.VIVEKANANDA, attached to AG Office [OPUC]
9. One CC to SRI B.S.P.CHOWDARY, Spl.Public Prosecutor for CBI [OPUC]
10. Two CCs to the GP for Medical, Health & Family Welfare, High Court of Andhra Pradesh [OUT]
11. Two CCs to the GP for Home, High Court of Andhra Pradesh. [OUT]
12. Two C.D. Copies.

MRC

HIGH COURT

DATED:05/06/2020

ORDER

WP.No.9725 of 2020



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

5/6/20
BD
LS