

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 7TH DAY OF MAY 2002

PRESENT:

THE HON'BLE MR. JUSTICE P. VISHWANATHA SHETTY

AND

THE HON'BLE MR. JUSTICE M.S. RAJENDRA PRASAD

WRIT PETITION NO.48/2002 (HC)

BETWEEN:

Smt. Saraswathi,
W/ o. Thyagaraj .V,
Aged about 30 years,
Residing at Arabia Khotanur,
Kolar Taluk,
Kolar District.

... PETITIONER.

(By Sri . M.D. Basavanna, Adv)

AND:

1. The Chief Secretary,
Government of Karnataka,
Vidhana Soudha,
Dr. Ambedkar Road,
Bangalore-1.
2. The Secretary,
Department of Home,
State Government of Karnataka,
Vidhana Soudha,
Dr. Ambedkar Road,
Bangalore-1.
3. The Superintendent of
Police,
Kolar,
Kolar District.

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4. The Station House Officer,
District Crime Squad,
Attached to Champion Reeps
Police Station,
K.G.F,
Kolar District.

... RESPONDENTS.

(Sri. Shashidhar Karmadi, GP)

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This Writ petition (HC) filed under Articles
226 and 227 of the Constitution of India praying
to issue a Writ of Habeas Corpus against all the
respondents thereby, direct him/them to produce
detenue Sri. V. Thyagaraj, Husband of the petitioner
before this Hon'ble Court.

This Writ petition, coming on for Preliminary
hearing this day, VISHWANATHA SHETTY, J., made
the following:

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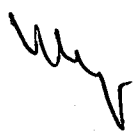
ORDER

Sri.Shashidhar Karmadi, learned Government Pleader, is directed to take notice for respondents.

2. The petitioner in this petition is the wife of one Thyagaraj. In this petition, she has sought for a direction to the respondents to produce the said Thyagaraj before this Court.

3. This matter was listed on 3-5-2002. Since no representation was made, the petition was adjourned to today. Even today, no representation is made.

4. The counter affidavit of one Sri.G.Gopalaiah, who is working as Police Sub-Inspector, Andersonpet Police Station, K.G.F., has been filed. In paragraph No.3 of the counter affidavit, it is stated as follows:-



"I submit that there are 9 police stations under the control of the Superintendent of Police, K.G.F. such as Robertsonpet, Andersonpet, Marikuppam, Champion Reefs, Oorgaum, BEML Nagar, Bethamangala, Bangarpet & Kamasamudram police stations. I visited all the police stations and found that the petitioner's husband V.Thyagaraj has not been detained in any of the police stations nor was he required by any of them in connection with commission of any crime. Likewise no complaint as to the missing of the said V.Thyagaraj has been received in any one of the said police stations so as to enable them to take action to search the said Sri.V.Thyagaraj."

5. According to the stand taken in the counter affidavit, in spite of the steps taken to find out whether the said Thyagaraj is in illegal detention in the police stations, the deponent of the affidavit has not been able to trace out. In the light of the stand taken in

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