

**\* THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**  
**\* THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR**  
**CHINTALAPUDI**

**WRIT PETITION NO: 16256/2026**

**% DATE: 18.08.2026**

# Sukanti Bilar Sing and another

.....Appellants

And:

\$ The State of Andhra Pradesh and others

.... respondents

!Counsel for the petitioner : Sri V. Ravindhar

^Counsel for the respondents : Sri J. Krishna Praneeth, AGP

<Gist:

>Head Note:

? Cases referred:

1. (1988) 3 SCC 319
2. (1973) 2 SCC 674
3. 2025 SCC OnLine MP 893
4. MANU/KE/1267/2021
5. (2004) 13 SCC 485
6. 2005 (13) SCC 702
7. (2007) 14 SCC 281
8. MANU/JH/1157/2010

**HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

\* \* \* \*

**WRIT PETITION NO: 16256/2026**

**Between:**

Sukanti Bilar Sing and another

**..... PETITIONERS**

**AND**

The State of Andhra Pradesh and others

**....RESPONDENTS**

**DATE OF JUDGMENT PRONOUNCED: 18.08.2026**

**SUBMITTED FOR APPROVAL:**

**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI**

**&**

**THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR  
CHINTALAPUDI**

- |                                                                                      |               |
|--------------------------------------------------------------------------------------|---------------|
| 1. <i>Whether Reporters of Local newspapers may be allowed to see the Judgments?</i> | <i>Yes/No</i> |
| 2. <i>Whether the copies of judgment may be marked to Law Reporters/Journals</i>     | <i>Yes/No</i> |
| 3. <i>Whether Your Lordships wish to see the fair copy of the Judgment?</i>          | <i>Yes/No</i> |

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**RAVI NATH TILHARI,J**

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**PURUSHOTTAM KUMAR CHINTALAPUDI,J**

Date of reserved for orders : 22.07.2026  
 Date of pronouncement : 18.08.2026  
 Date of uploading : 19.08.2026

APHC010312032026



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

**[3601]**

**TUESDAY, THE 18<sup>th</sup> DAY OF AUGUST 2026**

**PRESENT**

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**

**THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR  
 CHINTALAPUDI**

**WRIT PETITION NO: 16256/2026**

**Between:**

1. SUKANTI BILAR SING, W/O BILAR SING, AGED ABOUT 42 YEARS, OCC DAILY LABOUR, R/O MOBILI, KATAMA, MOVEL, ADAVA, GAJAPATI DISTRICT, ODISHA - 761217.
2. KUNTALA SING,, D/O ANIAN BALIYAR SING, AGED ABOUT 43 YEARS, OCC DAILY LABOUR, RIO LILIGADA, GAJAPATI DISTRICT, ODISHA - 761015.

**...PETITIONER(S)**

**AND**

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT - 522237.
2. THE DIRECTOR GENERAL OF POLICE, STATE OF ANDHRA PRADESH, MANGALAGIRI, GUNTUR DISTRICT - 522503.
3. THE COMMISSIONER OF POLICE, VIJAYAWADA, GOVERNORPET, VIJAYAWADA.. NTR DISTRICT, ANDHRA PRADESH - 520002.
4. THE DEPUTY COMMISSIONER OF POLICE LAW AND ORDER, NTR POLICE COMMISSIONERATE, VIJAYAWADA, NTR DISTRICT -

520002

5.THE SHO PATAMATA POLICE STATION, NTR POLICE COMMISSIONERATE, VIJAYAWADA, NTR DISTRICT. INSPECTOR OF POLICE / INVESTIGATING OFFICER, PATAMATA POLICE STATION, NTR POLICE COMMISSIONERATE, VIJAYAWADA (INVESTIGATING OFFICER IN F.I.R. NO. 231/2026) - 520007

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

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, or any other appropriate Writ, order, or direction, directing the 1st to 3d Respondents, through the 4th Respondent, to forthwith produce the detenus, Sri Mohammed Sohel, Sri Rajesh Kumar Singh, and Sri Anoop Singh, before this Honble Court. We further request that they be set at liberty if their detention is found to be illegal, and that the authorities be directed to produce the case diary, station General Diary, lock-up registers, and CCTV footage of the Patamata Police Station from 09.06.2026 onwards. We also request immediate independent medical examinations for the detenus to ensure they are not subjected to further torture, and that the Hon'ble Court may pass

**Counsel for the Petitioner(S):**

1.V.RAVINDHAR

**Counsel for the Respondent(S):**

1.GP FOR HOME

2.THE ADVOCATE GENERAL

**The Court made the following:**

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**  
**THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR**  
**CHINTALAPUDI**

**WRIT PETITION NO: 16256/2026**

**ORDER:-** *(per Hon'ble Sri Justice Purushottam Kumar Chintalapudi)*

Heard Sri V. Ravindhar, learned counsel for the petitioners, and Sri J. Krishna Praneeth, learned Assistant Government Pleader attached to the office of the learned Advocate General, appearing for the respondents.

2. The present writ is filed for the relief:

"To issue a Writ of Habeas Corpus, directing the 1<sup>st</sup> to 3<sup>rd</sup> respondents, through the 4<sup>th</sup> respondent, to immediately produce the detenus, Sri Mohammed Sohel, Sri Rajesh Kumar Singh, and Sri Anoop Singh, before this Hon'ble Court, to set them at liberty if their detention is illegal, and to direct the authorities to produce the case diary, Station General Diary, lock-up registers and CCTV footage of the Patamata Police Station from 09.06.2026 onwards".

**Petitioners' case:**

3. Mr. Jami Bharath Kumar, Sub-Inspector of Police Station, Patamata, Vijayawada on 09.06.2026 received credible information that there was illegal transportation and sale of a commercial quantity of ganja. He, along with his staff, mediators, and an appraiser, went to the scene near Model Dairy, Nidamanuru, NH-16, Vijayawada at 9:00 a.m. During vehicle checks, they observed a driver in a lorry (TN 29 BV 9849) attempting to flee. He and his team apprehended the driver as well as the driver of another lorry (TN 52 H 8290), who also tried to flee.

4. On questioning the drivers, they revealed their names as T. Pradeep and Selvam. They confessed that Mohammed Sohel, Rajesh Kumar Singh, and Anoop Singh had supplied them with the ganja and they are transporting the same to Coimbatore in Tamilnadu. A crime is registered. FIR was issued

on the report of Mr.Jami Bharath Kumar, vide FIR No.231/2026. The drivers were shown as A4 and A5. The other three Mohammed Soheli, Rajesh Kumar Singh, and Anoop Singh are shown as A1 to A3. A4 and A5 are sent to remand.

5. While things stood thus, a report was published in Times of India (material papers page 16) on 16.06.2026 stating that one Mr. Mohammed Soheli was the mastermind of a smuggling network spanning Odisha, Andhra Pradesh, Tamil Nadu, and Kerala. On 09.06.2026, the EAGLE team intercepted a truck at Nidamanur, near Vijayawada, and seized 140 kg of ganja intended for Coimbatore, Tamil Nadu. Two truck drivers were arrested, and based on their confession, Police have tracked and arrested Mohammed Soheli, Aroop Singh, and Rajesh Kumar Singh (Accused 1 to 3) in Visakhapatnam. Police brought them to Vijayawada to produce before the concerned Court, but Mohammed Soheli reportedly escaped police custody before being produced in Court; A2 and A3 were sent to remand.

6. The petitioners dispute the statement that Accused No.1, Mohammed Soheli, is escaped. Their case is that the authorities are showing him as escaped without producing him before the Magistrate. Petitioners believe that Mohammed Soheli has been apprehended and is being held in illegal custody, which constitutes a violation of fundamental rights under Articles 14 and 21 of the Constitution of India. A1 is believed to be in custody without due legal process. Hence, petitioners filed the present writ of habeas corpus for the relief.

### **Case of respondents:**

7. Respondent No.5 has filed a counter opposing the allegations. Respondent No. 5 asserted that A4 and A5 were initially arrested on 09.06.2026. Based on the confession of A4 and A5, Sri Mohammed Soheli, Sri Rajesh Kumar Singh, and Sri Anoop Singh were arrayed as accused A1 to A3. They were absconding on 09.06.2026, i.e., since the date of registration of

the FIR. A1 to A3 were not present at the scene of offence on 09.06.2026. It was A4 & A5, the drivers of the respective lorries, who were alone arrested.

8. It is asserted that at midnight on 11.06.2026 and in the early hours of 12.06.2026, the Police received credible information that A1 was at a lodge, M.S.R. Grand Hotel, Vijayawada. The surveillance police team went to the lodge in Vijayawada. However, A1 fled from the hotel premises. On verification of the CCTV footage, it is revealed that A1 went to the railway station in Vijayawada in an auto and got down at East Gate at about 03.55 hours. He boarded ERS TATA Express (18190) at 4.00 hours at Vijayawada. While so A2 and A3 were arrested on 15.06.2026 at Visakhapatnam and were duly produced before the concerned judicial officer on 16.06.2026, and were ordered for remand. Mohammed Sohail, the A1, was never arrested.

9. The report published in news paper the Times of India is not true as to the information about accused No.1 and it cannot be relied on as reliable piece of evidence under Indian Evidence Act, 1872. On verification of records, it is learnt that A1 has been involved in various crimes in Kerala. The respondent no. 5 has produced a list of cases registered against A1, which is tabulated below.

| Sl.No. | Crime Number | Offences committed           | Police Station          | State        |
|--------|--------------|------------------------------|-------------------------|--------------|
| 1.     | 573/2018     | 475, 380 IPC                 | Perinathamlamanna P.S., | Kerala State |
| 2.     | 574/2018     | 341, 323 IPC                 | Perinathamlamanna P.S., | Kerala State |
| 3.     | 1672/2026    | 392 IPC                      | Perinathamlamanna P.S., | Kerala State |
| 4.     | 214/2023     | 399, 120(B) IPC              | Karipoor P.S.,          | Kerala State |
| 5.     | 149/2024     | 20(b)(ii)(C), 29 of NDPS Act | Muniguda P.S.,          | Odisha State |
| 6.     | 565/2023     | 27 (b) of NDPS Act           | Chevayur P.S.,          | Kerala State |
| 7.     | 1672/2023    | 439 Cr.P.C                   | Perinathamlamanna P.S., | Kerala State |

10. Respondent no. 5 asserted that there is no illegal detention of A1 as on 09.06.2026 and 15.06.2026. A2 & A3 have since been sent to remand; no relief can be granted under the present writ. A1 is since absconding; no writ can be ordered against an absconding person, and the petition is sought to be dismissed.

**Submissions of learned counsels:**

11. Sri V. Ravindhar, learned counsel for writ petitioners, submitted that there is no rejoinder to the counter of respondent no. 5. He argued that A2 & A3 were sent to judicial remand on 16.06.2026. As such, he is not on the relief for A2 & A3.

12. Learned counsel submitted that his entire case is for the relief against A1's illegal custody. He takes support of the report published in a news paper that, on 15/06/2026, A1 to A3 were arrested, but A1 alone allegedly is said to have absconded. He contends, that is not true. The respondents have wantonly kept A1 in illegal custody without producing him before the concerned Court. The report in the news paper cannot be brushed aside. He strenuously argued that the writ Courts took cognizance of the reports in the papers to protect the rights of the citizens, more particularly the writ of habeas corpus. Petitioners have serious apprehension that the A1 has been in illegal custody. Unless the A1 is produced before this Court, truth would not come up. Hence, he prayed for grant of relief under the writ of habeas corpus to produce the A1. He did not seek production of CCTV footage.

13. Learned AGP J.Krishna Praneeth argued that the allegation of the petitioners that the respondents detain A1 is not true. A1 is involved in several offences. He has been in search under different crimes. When the respondents on 11.06.2026 went for him on receiving credible information to lodge, M.S.R. Grand Hotel, Vijayawada, by the time they reached he was absconded. Later, they could collect information that he left for the railway station at Vijayawada, caught a train, and left the place. A1 was not arrested

on 09/06/2026, 11/06/2026 and on 15/06/2026. In fact, by 15/06/2026, A1 was not at all in Vijayawada or at Vizag.

14. Learned AGP argued that, as A1 could not be apprehended, respondents, on nabbing A2 & A3, produced them before the respective courts at Vijayawada and sent them to remand. The report in the New Paper that A1 was arrested along with A2 & A3 is not correct. Any report published in the New Paper is not admissible evidence to consider the relief. It is only hearsay evidence. He relied on Sec.81 of the Indian Evidence Act, 1872, which states that any matter published in a newspaper is not evidence. Section 81 of the Indian Evidence Act creates a presumption of the genuineness of the Newspaper as a document, but does not create a presumption that the facts reported in it are true.

15. Learned Assistant Government Pleader relied on a judgment in the case of **Laxmi Raj Shetty and another v. State of Tamil Nadu**<sup>1</sup>.

Further argued that the newspaper clippings are hearsay evidence and inadmissible. Therefore, the Court should not consider the publication that A1 was taken into custody on 15/96/2026 and did not produce before the concerned Court, much less in illegal detention. Hence, the writ petition is sought to be dismissed.

16. In reply, Sri. V. Ravindhar, learned counsel for writ petitioner, submitted that the **Laxmi Raj Shetty** case (cited supra) is not relevant to this case. The said case relates to appreciation of guilt of an accused for an offence under Sec. 302, 392 and 449 of the Indian Penal Code, 1860. This is a case under Article 226 of the Constitution of India, to produce the corpus, but not to deal with the guilt of the corpus. In the present writ, the scope is not to find the guilt of accused no. 1; as such, the Court cannot look into it. The writ of habeas corpus is filed for production of A1, as the petitioners apprehend that he is

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<sup>1</sup> (1988) 3 SCC 319

detained illegally, falsely showing as absconding. Learned AGP denied the said version.

17. We have heard both learned counsels, and we have perused the record.

**Discussion:**

18. Petitioners contend that, the case of petitioners is based on a report published in the Newspaper (Times of India) dated 16.06.2026, that A1, along with A2 & A3, was arrested, but he is said to have escaped from custody. In contrast, the respondents contends that A2 & A3 alone were arrested and are in judicial custody. As to A1, he was never arrested; in fact, he is evading arrest and has been absconding. He is not in detention. Without verifiable facts, a writ of habeas corpus is not maintainable merely on news published in a newspaper.

19. We have gone through the writ affidavit of the petitioners. The writ was filed on 01/07/2026. By that time, i.e. 16/06/2026, a news item was published as to the alleged transport of the ganja. The arrest of A2 to A5 is not in dispute, except as to A1's detention.

20. The writ affidavit reveals that Petitioners 1 & 2 have filed the affidavit. Petitioner No.1 is the mother of Rajesh Kumar Singh (Accused No.2); Petitioner No.2 is the mother of Anoop Singh (Accused No.3). Petitioner No.1 said in the affidavit that she is representing Mohammed Sohel (A1) through A2. The affidavit neither reveals the instructions to file the present affidavit on behalf of A1 through Petitioner No.1 nor personal knowledge about A1. It does not disclose her source of information for A1 either from A2 or otherwise. Petitioners did not assert how they are interested in the rights of A1.

21. We noted that, at para 6 of the writ affidavit, petitioners asserted that Accused No. 1 is a crucial witness who could disclose and establish the absolute innocence of Accused Nos. 2 and 3. Because Accused No. 1 is now

"**missing**" under highly suspicious circumstances engineered by the Police, the innocent Adivasi youth (A2 and A3) are deprived of vital exonerating testimony, permanently prejudicing their defence and liberty.

22. This assertion places that the A1 is missing, but not in illegal detention. Petitioners sought relief for A1 to A3, specifically for A1 to produce the missing person to get evidence as to A2 & A3's innocence. This specific assertion does not support the arguments of learned counsel for petitioners that A1 is in illegal detention, and his rights are violated under Article 21 of the Constitution of India. Writs cannot be used to secure persons to get evidence without verifiable facts of illegal detention. Though the petitioners have relied on a newspaper report that A1 is allegedly escaped, they did not plead so, but say A1 is missing. Except for their statements of suspicious circumstances; that too, a missing person, no other verifiable record is produced. The respondents' response is denial of detention; their version is that A1 is not missing, but he is evading arrest and has been absconding. There is no rejoinder to the respondents' response denying it. The pleading that A1 is '**missing**', by itself, does not establish that he is in unlawful detention. The petitioners have, however, subsequently attributed the disappearance that for alleged police custody. That allegation requires supporting material, and no such material is placed.

23. With facts placed before us, it appears that A1 is allegedly missing or absconding, but not in detention. We are conscious that there is no declaration by any competent Court about A1's absconding; neither has this Court sought to declare A1 as absconding. On the facts placed before us, we have to look into whether, in the case of a missing person or absconding person, a writ of habeas corpus can be invoked.

24. This gives the point for consideration:

**"Whether a writ of habeas corpus is maintainable based on a publication in a newspaper directing the respondents to**

**produce A1 by name Mohammed Sohel when he is said to be absconding or missing? And if so, what relief?"**

**Analysis:**

25. The case of the petitioners is that A1 is missing. The legal position as to relief under writ of habeas corpus is settled through the rulings, and for a missing person.

26. In the case of **Kanu Sanyal vs. District Magistrate, Darjeeling**<sup>2</sup>, wherein Hon'ble Apex court held:

"It is well settled that in dealing with the petition for habeas corpus the Court is to see whether the detention on the date on which the application is made to the Court is legal, if nothing more has intervened between the date of the application and the date of the hearing."

27. Division Bench of the High Court of Madhya Pradesh dealt with this subject of maintainability of writ of habeas corpus on missing person, in **Simmi Bai v. Shrimaan Police Mahanirikshak Mahodaya and others**<sup>3</sup>, which was later relied upon by the coordinate bench of this Court.

28. In the case of **Simmi Bai v. Shrimaan Police Mahanirikshak Mahodaya and others**, the Division Bench of Madhya Pradesh at para 13 and 16, held as follows (relevant portion is extracted):

"13. A writ of habeas corpus is not maintainable in respect of a person who is simply missing and not in unlawful detention. Unlawful detention is the sine qua non for issuance of writ of habeas corpus.....

16. ....A writ of habeas corpus can only be issued when the detention or confinement of a person is without the authority of law. Though the literal meaning of the Latin phrase habeas corpus is "to produce the body", over a period of time production of the body is more often than not insisted upon. Still, legally, it is to be decided whether the body is under illegal detention or not.

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<sup>2</sup> (1973) 2 SCC 674

<sup>3</sup> 2025 SCC OnLine MP 893

Habeas corpus is often used as a remedy in cases of preventive detention because, in such cases, the validity of the order detaining the detenu is not subject to challenge in any other court, and it is only writ jurisdiction which is available to the aggrieved party. The scope of the petition of habeas corpus has, over time, been expanded, and this writ is commonly used when a spouse claims that the parents have illegally detained their spouse. This writ is often used even in child custody cases. Even though the scope may have expanded, there are certain limitations to this writ, and the most basic of such limitations is that the Court, before issuing any writ of habeas corpus, must conclude that the detenu is under detention without any authority of law."

29. The Coordinate Bench of this Court in **Doosari Grasamma v. The State of Andhra Pradesh** referred the case in **Simmi Bai case (cited supra)** and held as follows:

"Learned Assistant Government Pleader vehemently opposed the writ petition. He vehemently contends that the present writ petition for Habeas Corpus is not maintainable under law. He submits that it is not the case of the petitioner or even the sister of the corpus, who lodged a report with the Police that the corpus was illegally confined or detained by any person, to maintain a writ for Habeas Corpus. He submits that only when it is the specific case of the petitioner that the corpus has been illegally confined or detained either by the State or its officers or by any private person, that a writ for Habeas Corpus is maintainable. He contends that, as it is an admitted case of the petitioner that the corpus himself voluntarily left the house and went away and his whereabouts are not known, and a "man missing" case was registered by the Police on the report lodged by his sister. As the case is under investigation, the present writ petition is not maintainable. In support of his contention, he relied on the recent judgment of the Madhya Pradesh High Court rendered in the case of Simmi Bai v. Shrimaan Police Mahanirikshak Mahodaya and others 2025 SCC OnLine MP 893, wherein the earlier judgments rendered by the Supreme Court are referred to and held that when the corpus has voluntarily left the house and when a "man missing" case was registered and when it is not the case of the petitioner that the corpus was illegally detained or confined by any person that the writ for Habeas Corpus is not maintainable."

30. Another Coordinate Bench of this Court in the case of **Panchaparvala Rajyalakshmi v. The State of Andhra Pradesh, W.P.No.27156 of 2025**, observed:

"In this judgment, the Hon'ble High Court of Madhya Pradesh, relying on the judgment of the Hon'ble Supreme Court, in the case of Kanu Sanyal vs. District Magistrate, Darjeeling, (1973) 2 SCC 674 had taken the view that a Writ of Mandamus is only maintainable in case of a missing person and it cannot be taken up by way of a Writ of Habeas Corpus."

Thus, the legal position held by the High Court's is that, in case of a missing person, there is no element of illegal detention and, in such a case, writ of habeas corpus is not maintainable.

31. Pleadings in the present writ further disclose that, Petitioner No.1 & 2, mothers of A2 & A3, having knowledge that A2 & A3 were in judicial remand, have filed the writ to produce a missing person, A1, to get evidence as to the innocence of A2 & A3. Petitioners principally seek production of A1 to assist the defence of A2 & A3. The jurisdiction of habeas corpus is directed towards determining the legality of detention; it cannot be converted into a mechanism for procuring the presence of an alleged missing person merely because his presence may assist an accused in his defence.

32. Petitioners assert that there are highly suspicious circumstances specifically engineered by the Police that led to the disappearance of the accused No.1. We find that the alleged detention of A1 is known to the petitioners by a newspaper report in a News Magazine on 16.06.2026. The writ petition is filed on 01.07.2026. During this period, there is no record to show that the writ petitioners have approached the concerned authorities on the ground of missing. Apart from the newspaper publication, no contemporaneous complaint or independent material has been placed to indicate that A1 was in illegal custody. Thus, the writ petition is not maintainable.

33. Coming to the respondent's case, they do not rely on the point that A1 is missing. However, their case is that A1 has been absconding since the date of registration of FIR, i.e., 09.06.2026. On 11.06.2026, when respondents, went to apprehend A1 at the Lodge at Vijayawada, he escaped. Since then, he has been absconding.

34. They contend that Accused Nos.2 and 3 were lawfully arrested on 15.06.2026, in connection with Crime No.231/2026, but not A1. A2 and A3 are lodged in District Jail, Vijayawada. Whereas, alleged detainee No.1 Mohammed Sohail was not arrested as he is absconding.

35. The contention of the respondent No.5 is clear that the accused No.1 was never in detention and is absconding. The word absconding means, as per Black's Law Dictionary, escape to avoid arrest; in this case, the respondent's version is that A1 is evading arrest.

36. It is trite to refer that the petitioners have not filed a rejoinder denying the specific statement of respondent No.5 at para Nos. 5 and 6 that A1 is absconding, but relied on a news report to support their suspicion.

37. The petitioners contend that they have suspicion that A1 might have been secured or detained by the Police by 15.06.2026, but wrongly showing that A1 has escaped. In fact, the said suspicion to the petitioners arises out of the news item published in the News Magazine. The learned Assistant Government Pleader refuted the said contention, stating that the statement in the Newspaper is hearsay evidence and relied on **Laxmi Raj Shetty** case (cited supra). He contends that, based on any report published in a newspaper, the writs or PILs cannot be entertained unless those are supported with verifiable facts.

38. In **Laxmi Raj Shetty case (cited supra)**, the Hon'ble Apex Court held that the statements in newspapers are hearsay evidence. The relevant portion at para nos. 25 & 26 is extracted hereunder:

"25. As to the first, the accused Laxmi Raj Shetty was entitled to tender the newspaper report from the Indian Express of the 29th and the regional newspapers of the 30th along with his statement under Section 313 of the Code of Criminal Procedure, 1973. Both the accused at the stage of their defence in denial of the charge had summoned the editors of Tamil dailies Malai Murasu and Makkal Kural and the news reporters of the Indian Express and Dina Thanthi to prove the contents of the facts stated in the news item but they dispensed with their examination on the date fixed for the defence evidence. We cannot take judicial notice of the facts stated in a news item being in the nature of hearsay secondary evidence, unless proved by evidence aliunde. A report in a newspaper is only hearsay evidence. A newspaper is not one of the documents referred to in Section 78(2) of the Evidence Act, 1872 by which an allegation of fact can be proved. The presumption of genuineness attached under Section 81 of the Evidence Act to a newspaper report cannot be treated as proved of the facts reported therein.

26. It is now well-settled that a statement of fact contained in a newspaper is merely hearsay and therefore inadmissible in evidence in the absence of the maker of the statement appearing in Court and deposing to have perceived the fact reported....."

".....A newspaper item without any further proof of what had actually happened through witnesses is of no value. It is at best a second-hand secondary evidence. It is well known that reporters collect information and pass it on to the editor who edits the news item and then publishes it. In this process the truth might get perverted or garbled. Such news items cannot be said to prove themselves although they may be taken into account with other evidence if the other evidence is forcible....."

39. The legal principle laid down by the Hon'ble Apex Court is clear that unless the person who gave the report of the person who actually happened to know is examined, the statement made in the news published in the Newspaper cannot be considered as admissible evidence.

40. In the case of **Prakash C. Vs. State of Kerala and others**<sup>4</sup>, the Division Bench of the High Court of Kerala has referred to the **Laxmi Raj Shetty case** and other cases dealt with a writ of habeas corpus based on a Newspaper publication, and held that such writs are not maintainable. In para No.6 of the judgment, the Division Bench of the High Court of Kerala has relied on the following rulings i.e. **Laxmi Raj Shetty and others** (cited supra), **Vikas Vashishth v. Allahabad High Court**<sup>5</sup>, **Rohit Pandey v. Union of India**<sup>6</sup> and **Holicow Pictures Pvt. Ltd. v. Prem Chandra Mishra and Ors**<sup>7</sup>.

41. The Division Bench of the High Court of Kerala has relied on **Laxmi Raj Shetty and others** (cited supra), that it is now well-settled that a statement of fact contained in a newspaper is merely hearsay and therefore inadmissible in evidence in the absence of the maker of the statement appearing in Court and deposing to have perceived the fact reported. A newspaper report without any further proof of what had actually happened through witnesses is of no value.

42. It further relied on **Vikas Vashishth case** (cited supra), wherein the Hon'ble Apex Court held that the petition is based entirely on newspaper reports without verifying the facts personally, is not public interest litigation, but nothing more than "publicity interest litigation". The writ has been filed without any effort at verifying the facts by the petitioner personally.

43. It further relied on **Rohit Pandey case** (cited supra), wherein the Hon'ble Apex Court held that public interest litigation filed based on reports published in two newspapers, seeking the indulgence of the Central Bureau of Investigation for a fair investigation to ensure the real culprits are identified, is misconceived.

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<sup>4</sup> MANU/KE/1267/2021

<sup>5</sup> (2004) 13 SCC 485

<sup>6</sup> 2005 (13) SCC 702

<sup>7</sup> (2007) 14 SCC 281

44. Further, in the case of **Holicow Pictures Pvt. Ltd.** (cited supra), the Hon'ble Apex Court held that no litigant has a right to unlimited draught on the Court time and public money to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a licence to file misconceived and frivolous petitions. Petitions filed based on newspaper reports without any attempt to verify their genuineness do not constitute evidence. A petition based on unconfirmed news reports, without verifying their authenticity, should not normally be entertained.

45. Though the referred cases in **Vikas Vashishth** (cited supra), **Rohit Pandey** (cited supra) and **Holicow Pictures Pvt. Ltd.** (cited supra) deal with the cases filed under Public Interest Litigation, that the principle laid is the petitioners approaching the Courts based on the news published, if unless those are verifying personally as to the facts therein, hence, shall not be considered.

46. The above rulings support that news published in a news magazine is not admissible in evidence without any verifiable and supporting material. Courts cannot entertain such reports.

47. Applying the above principles, that the newspaper publication is hearsay evidence, we then verified whether the petitioners have placed any verifiable material as to the truth and genuineness of the said report. Petitioners did not place any such documents. Thus, petitioners failed to establish any *prima facie* material showing unlawful detention of A1.

48. In the case of **Laeek Khan v/s State of Jharkhand and others**<sup>8</sup>, a division bench of the High Court of Jharkhand, while dealing with a writ of illegal custody where an accused is declared absconding, denied relief against absconding person.

The facts in the case are that the accused by name Rufee Khan was alleged for the offences under the Indian Penal Code, 1860

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<sup>8</sup> MANU/JH/1157/2010

(Murder) and the offence under the Arms Act, 1959 and he was declared as absconding by the competent Court; judicial proceedings under Sections 82 and 83 were also issued. He was yet to be apprehended by the concerned authorities. While things stood thus, he moved a petition under a Writ of Habeas Corpus. While dealing with those factual aspects, the Division Bench of Jharkhand has observed at para No.8 that there is no custody of Rufee Khan with the respondents; on the contrary, there are several cases registered against the said Rufee Khan. It appears that the petitioner (mother of Rufee Khan) as well as said Rufee Khan are changing their addresses, and the petitioner is not giving the whereabouts of his son; he is, on the contrary, involved in criminal activities, and he has no relations with his son. Moreover, a warrant of arrest has also been issued by the competent Court and said Rufee Khan has been declared absconding under the provisions of the Code of Criminal Procedure, 1973, in connection with Lalpur Police Station Case No. 67 of 2009. It further appears that the statements, which have been annexed with the rejoinder affidavit, filed by the Petitioner, are highly disputed statements, looking to the further inquiry carried out by the Deputy Superintendent of Police, Sadar, Ranchi (From Annexure A to the supplementary counter-affidavit, filed by the Deputy Superintendent of Police, Hatia, Ranchi, dated 17th September, 2010). As a cumulative effect of these facts and reasons, Shri Rufee Khan is not in custody of the Respondents. On the contrary, he is an absconding accused in Lalpur Police Station Case No. 67 of 2009. Thus, there is no substance in the writ petition and, hence, the same is hereby dismissed.

49. In the present case, it is true there is no such declaration by the competent Court that A1 is absconding. It is the respondent statement that only A1 is absconding to evade arrest. In the given facts, we are satisfied that there is no illegal detention of A1 by respondents. In such a case, as held in the **Laeek Khan case**, writ of habeas corpus is not maintainable. Petitioners have not established any suspicious circumstances as to the illegal detention of A1; moreover, the newspaper report is not supported by any material to consider the facts.

**Conclusion:**

50. In the light of the foregoing discussion, we are of the view that the petitioners have failed to place any reliable or independent material establishing that A1, Mohammed Sohail, was arrested or is presently in the unlawful custody of the respondents. The newspaper report relied upon by the petitioners, by itself, cannot establish the truth of the allegation that A1 was arrested and thereafter escaped from police custody. The specific denial of the respondents that A1 was ever arrested, coupled with the absence of any contemporaneous complaint or other independent material indicating his detention, it does not warrant issuance of a writ of habeas corpus.

51. The mere circumstance that A1 is stated to be missing or evading arrest cannot, in the absence of material establishing unlawful detention, attract the jurisdiction of habeas corpus. The purpose of securing the presence of A1 as a person who may assist A2 and A3 in their defence cannot enlarge the scope of habeas corpus jurisdiction.

52. As A2 and A3 have already been produced before the competent Court and remanded to judicial custody, no relief can be granted in respect of them in the present proceedings.

53. Accordingly, the point for consideration is answered against the petitioners that a writ of habeas corpus is not maintainable based on a publication in a newspaper without any substantive material to support the allegations of illegal detention, and while the said accused No.1 is said to be missing or absconding. Thus the writ is liable to be dismissed.

**Result:**

54. In the result, the Writ Petition is dismissed. There shall be no order as to costs.

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

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**RAVI NATH TILHARI, J**

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**PURUSHOTTAM KUMAR CHINTALAPUDI, J**

Date: 18.08.2026

**Note: LR copy to be marked**

(B/o)

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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI  
THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR  
CHINTALAPUDI

**WRIT PETITION NO: 16256/2026**

*(per Hon'ble Sri Justice Purushottam Kumar Chintalapudi)*

**Date: 18.08.2026**

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