



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

[3369]

THURSDAY ,THE SEVENTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE T. MALLIKARJUNA RAO

WRIT PETITION NO: 9861/2025

Between:

P.V. Midhun Reddy @ Peddireddi Venkata Midhun Reddy **...PETITIONER**

AND

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1.KALLA GUNA SEKHAR

Counsel for the Respondent(S):

1.GP FOR HOME

The Court made the following ORDER:

1. This Writ Petition is filed by the petitioner seeking to direct the respondents to examine the petitioner in connection with Crime No.21 of 2024 of CID Police Station, Mangalagiri, Guntur District in the presence of an advocate of his choice and further record the same through audio-video electronic means and pass such other order.

2. As reflected in the notice dated 16.04.2025, which is annexed to the Writ Petition, the petitioner has been directed to appear before the SIT at the Office of the Commissioner of Police, Vijayawada, on 19.04.2025 at 10:00 hours, for the purpose of investigation. As evident from the record, the petitioner has been elected as a Member of Parliament representing the Rajampet Constituency. It is submitted by the learned Senior Counsel

appearing for the petitioner that the ruling party, driven by political vendetta, has targeted the petitioner with an intention to implicate him in the present case. However, as per the available record, the petitioner has not been arrayed as an accused. Upon inquiry by this Court, the learned Advocate General informed that CCTV cameras have been duly installed within the Office of the Commissioner of Police, Vijayawada where the statement of the petitioner is intended to be recorded."

3. Heard Sri T. Niranjan Reddy, learned Senior Counsel appearing on behalf of the petitioner and Sri Dammalapati Srinivas, learned Advocate General, appearing on behalf of the Respondents/State.

4. Sri T. Niranjan Reddy, learned Senior Counsel for the petitioner submits that during the examination of the petitioner by the Police, there is a possibility of apprehension of potential physical abuse, including the possibility of being assaulted or manhandled. As such, it is requested to direct the Investigating Officer to record his statement through audio-video electronic means. He further submits that the recording of witness statements through audio-video electronic means is permissible under law and the Hon'ble Supreme Court as well as various High Courts have issued directions for the installation of CCTV cameras in police stations and these measures are intended to safeguard the personal liberty and dignity of not only the accused but also the witnesses, thereby ensuring a more transparent and accountable criminal justice process.

5. In support of his contention, he placed reliance in ***Shafhi Mohammad vs. State of Himachal Pradesh***¹, wherein the Hon'ble Apex Court held that:

"5. We have now taken up the issue for further consideration. An affidavit dated 21-3-2018 has been filed by the Director, Ministry of Home Affairs (MHA) annexing thereto report of the Committee constituted by the MHA about use of videography in police investigation dated 22-11-2017. The Committee considered various issues including the present infrastructure and usage, concerns/problems raised by various States for use of videography during investigations, admissibility of electronic evidence in absence of a certificate under Section 65-B(4) of the Evidence Act, operational difficulties, lack of training, funding, forensic facilities. The Committee observed that though crime scene videography was a "desirable and acceptable best practice", the mandatory videography required major issues being addressed. Videography may be done on "best effort" basis. The timeline

¹ (2018) 5 SCC 311

should be different for different States and the Central Investigating Agencies.
xxxx”

6. Learned Senior Counsel, appearing for the petitioner further placed reliance on the decision in ***Paramvir Singh Saini vs. Baljit Singh and others***², wherein the Hon’ble Apex Court held that:

“16. The State and Union Territory Governments should ensure that CCTV cameras are installed in each and every police station functioning in the respective State and/or Union Territory. Further, in order to ensure that no part of a police station is left uncovered, it is imperative to ensure that CCTV cameras are installed at all entry and exit points; main gate of the police station; all lock-ups; all corridors; lobby/the reception area; all verandahs/outhouses, Inspector's room; Sub-Inspector's room; areas outside the lock-up room; station hall; in front of the police station compound; outside (not inside) washrooms/toilets; Duty Officer's room; back part of the police station, etc.

17. CCTV systems that have to be installed must be equipped with night vision and must necessarily consist of audio as well as video footage. In areas in which there is either no electricity and/or internet, it shall be the duty of the States/Union Territories to provide the same as expeditiously as possible using any mode of providing electricity, including solar/wind power. The internet systems that are provided must also be systems which provide clear image resolutions and audio. Most important of all is the storage of CCTV camera footage which can be done in digital video recorders and/or network video recorders. CCTV cameras must then be installed with such recording systems so that the data that is stored thereon shall be preserved for a period of 18 months. If the recording equipment, available in the market today, does not have the capacity to keep the recording for 18 months but for a lesser period of time, it shall be mandatory for all States, Union Territories and the Central Government to purchase one which allows storage for the maximum period possible, and, in any case, not below 1 year. It is also made clear that this will be reviewed by all the States so as to purchase equipment which is able to store the data for 18 months as soon as it is commercially available in the market. The affidavit of compliance to be filed by all States and Union Territories and Central Government shall clearly indicate that the best equipment available as of date has been purchased.

18. Whenever there is information of force being used at police stations resulting in serious injury and/or custodial deaths, it is necessary that persons be free to complain for a redressal of the same. Such complaints may not only be made to the State Human Rights Commission, which is then to utilise its powers, more particularly under Sections 17 and 18 of the Protection of Human Rights Act, 1993, for redressal of such complaints, but also to Human Rights Courts, which must then be set up in each district of every State/Union Territory under Section 30 of the aforesaid Act. The Commission/Court can then immediately summon CCTV camera footage in relation to the incident for its safe keeping, which may then be made available to an investigating agency in order to further process the complaint made to it.”

² (2021) 1 SCC 184

7. Learned Senior Counsel further placed reliance on the order passed by this High Court in **W.P.(PIL) No.32 of 2019 dated 15.07.2019**, wherein it is held that:

“9. Having regard to the magnitude of the work involved, more particularly, installation of CCTVs, in prisons and police stations and connecting them to the Police headquarters, without disturbing the daily work of the officers concerned, we feel that the request of the Police Department to cover all the prisons and Police stations, in a phased manner, cannot be said to be unjustifiable.

10. We are sure that the authorities concerned will take all possible steps and ensure that the decision of the Supreme Court in Dilip K. Basu and Shafhi Mohammad is followed in letter and spirit and there would be no callous approach in doing so.”

8. He further placed reliance on the order passed by this Court in W.P.No.34842 of 2022, dated 01.11.2022 and requested the Court to safeguard the interest of the petitioner and such a direction may be given.

9. The learned Advocate General submits that, as it presently stands, the proviso to Section 161(3) of the Code of Criminal Procedure does not make audio-video recording of witness statements mandatory. He further contends that the discretion to adopt audio-video electronic means for recording such statements lies solely with the Investigating Officer, and therefore, it would not be appropriate for this Hon’ble Court to issue any direction mandating such a procedure.

10. He placed reliance on the judgment of the High Court of Telangana in **Y.S. Avinash Reddy vs. Central Bureau of Investigation, represented by its Director³**, wherein it was held that:

“6)xxx

xii) However, at present, the proviso to Section 161(3) of the CrPC permitting audio-video recording of examination is not mandatory. Discretion is vested with the Investigating Officer to conduct examination of any person summoned under Section 160 of the CrPC through audio-video recording. However, the person so summoned for examination can request his examination to be audio-video recorded. Consideration of the said request will be in line with the object of Section 161(3) of the CrPC and to ensure that police do not misuse their power to induce statements from the persons so examined.”

³ 2023 SCC OnLine TS 4075

11. At this juncture, it is pertinent to refer Section 180(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'), which reads as follows:

"The police officer may reduce into writing any statement made to him in the course of an examination under this section; and if he does so, he shall make a separate and true record of the statement of each such person whose statement he records:

Provided that statement made under this sub-section may also be recorded by audio-video electronic means:

Provided further that the statement of a woman against whom an offence under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted, shall be recorded, by a woman police officer or any woman officer."

12. A reading of Section 180(3) of the BNSS as well as the decision reported in **Y.S. Avinash Reddy (cited 3rd supra)** indicates that the police officer has the discretion to record the statements of witnesses using audio-video electronic means and the accused or witness cannot compel the Police Officers to record his statement by using audio-video electronic means.

13. In light of the submissions advanced by the learned counsel representing both parties, and with due consideration to the authoritative precedents cited in the course of the arguments, as well as the paramount importance of safeguarding the dignity of the individual involved, and apprehensions expressed by the petitioner, the Court is inclined to issue the following directions while disposing of the Writ Petition:-

- 1) The petitioner shall be entitled to be accompanied by two advocates to the office of Respondent Nos. 2 and 3. However, at any given point of time, only one counsel shall be permitted to remain present alongside the petitioner.
- 2) The presence of the counsel accompanying the petitioner shall be subject to the condition that the said counsel remains at a distance of 10 feet from the place of recording of statement. However, the entire examination shall be conducted within the line of sight of the advocate.
- 3) The learned advocate accompanying the petitioner shall not interfere with the process of recording the petitioner's statement.

- 4) The Investigation Officer is hereby directed to ensure that the statement of the petitioner is recorded within the designated coverage area of the CCTV cameras, thereby ensuring transparency and accountability in the process.

14. With the above directions, Writ Petition is ***disposed of***. There shall be no order as to costs.

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

JUSTICE T. MALLIKARJUNA RAO

Date: 17.04.2025

MS

THE HON'BLE SRI JUSTICE T. MALLIKARJUNA RAO

Writ Petition No.9861 of 2025

Date:17.04.2025

MS