

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
THURSDAY, THE TWENTY FOURTH DAY OF SEPTEMBER TWO THOUSAND AND TWENTY
:PRESENT:
THE HONOURABLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY
WP (PIL) NO: 224 OF 2020

Between:

Prof.Gaddam Laxman, S/o. Balaiah

...Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Home, Secretariat, Hyderabad.
2. The Station House Officer, Cherla Police Station, Bhadradi-Kothagudem.
3. The Superintendent of Police, Bhadradi Kothagudem.
4. The Operation on Special Duty, (OSD), Anti-Naxal, Bhadradi Kothagudem.
5. The Superintendent, Civil Hospital, Bhadradi Kothagudem.
6. The Director, Central Bureau of Investigation, New Delhi.

...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, Order or Direction more particularly one in the nature of Writ of Mandamus to Declaring the action of the respondents herein in brutally killing the deceased two women and one male unknown in the alleged encounter which took place on 23.09.2020 at 7.00 pm in the forest of Chennapuram of Cherla Mandal, as being illegal, arbitrary and discriminatory violation of Articles 14 & 21 of the Constitution of India and further declare the action of the respondents herein not registering the crime under sec.302 IPC against the perpetrators of crime as being illegal, arbitrary and against the law and violation of Article 21 of the Constitution of India and various International covenants on Human Rights ratified by Union of India.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of M/s V. RAGHUNATH Advocate for the Petitioners and Mr. B.S. Prasad Advocate General for the Respondents, the Court made the following.

ORDER:

The present Writ Petition (PIL) has been filed by Prof. Gaddam Laxman, the petitioner, in connection with the alleged encounter which took place on 23.09.2020 at 7:00 PM in the forest of Chennapuram of Cherla Mandal. The petitioner prays for the relief of declaring the action of the respondents herein in brutally killing two women and one male unknown persons in the alleged encounter as illegal, arbitrary and violative of Articles 14 & 21 of the Constitution of India, and to further declare the action of the respondents in not registering the

crime under Section 302 of IPC against the perpetrators of crime as being illegal, arbitrary and violative of Articles 21 of the Constitution of India and various International Covenants on Human Rights ratified by Union of India.

When the matter is taken up for hearing, it is represented by Sri V. Raghunath, the learned counsel for the petitioner, that the naxal wing of the Police Department of Bhadrachalam brutally murdered the said three persons and are hastily taking steps to hand over the dead bodies to the relatives of the deceased persons, so as to ensure that the evidence of the alleged brutal encounter is wiped out.

In response thereto, Mr. B. S. Prasad, the learned Advocate General, has submitted copies of Telugu version of three documents, dated 24.09.2020, styled as "Receipt of handing over of the dead bodies". The learned Advocate General also read out the contents of the documents and brought to the notice of this Court that three persons, namely (i) Sodi Jogaiah, S/o. Somdaiah, (ii) Madakam Mangi, D/o. Kannarao (iii) Madakam Malli, D/o. late Bandi, were killed in the crossfire between the Police and Maoists in the forest area and they died in the encounter. The learned Advocate General further submits that Post Mortem examination was conducted, which was also videographed, and after all the required formalities have been concluded, the dead bodies have also been handed over to their relatives and acknowledgement to that effect has been taken on all the three receipts.

Mr. V. Raghunath, the learned counsel for the petitioner, vehemently contends that since there is every possibility of screening of evidence, it would be just and proper to direct that a re-post mortem be conducted on the dead bodies of all the three deceased.

The learned Advocate General, Mr. B.S. Prasad, submits that the dead bodies of all the three deceased persons have been handed over to the relatives of the deceased, who reside in the rural area. However, the learned Advocate General informs this Court that, immediately, steps will be taken to direct all the concerned to see that the dead bodies of the three deceased persons are not cremated and to conduct re-post mortem examination.

In the circumstances, this Court directs the respondents to recover the dead bodies of all the three deceased persons, mentioned hereinabove, from their relatives and handover them to Bhadrachalam Area Hospital. This Court further directs that re-post mortem examination shall be conducted by a team of Forensic Experts from MGM Hospital, Warangal, and also photographs and videograph of the same shall be taken. The same shall be submitted before this Court. It is made clear that after such re-post mortem examination, the respondents shall handover the dead bodies of all the three deceased persons to their relatives.

Mr. B.S. Prasad, the learned Advocate General, seeks time to file his counter.
List this case on 05.11.2020.

//TRUE COPY//

SD/- T.KRISHNA KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Department of Home, State of Telangana, Secretariat, Hyderabad.
2. The Station House Officer, Cherla Police Station, Bhadradri-Kothagudem.
3. The Superintendent of Police, Bhadradri Kothagudem.
4. The Operation on Special Duty, (OSD), Anti-Naxal, Bhadradri Kothagudem.
5. The Superintendent, Civil Hospital, Bhadradri Kothagudem.
6. The Superintendent, M.G.M. Hospital, Warangal(By SPEED POST)
7. The Director, Central Bureau of Investigation, New Delhi (RR 1 to 5 & 7 by RPAD).
8. One CC to M/s. V. RAGHUNATH, Advocate [OPUC].
9. Two CCs to Advocate General, High Court for the State of Telangana at Hyderabad [BY SPL. MESSENGER].
10. Two spare copies
ZEE

HIGH COURT

HCJ & BVRJ

DATED:24/09/2020

NOTE: LIST THIS CASE ON 05.11.2020

ORDER



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DIRECTION