

**THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA**  
**AND**  
**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION (PIL) No.62 OF 2021**

**ORDER:** *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

The present Public Interest Litigation has been filed by People's Union for Civil Liberties, Telangana stating that a crime was registered vide Crime No.63 of 2021 at Addaguduru Police Station, Rachakonda Commissionerate for the offence under Section 381 IPC and the police in the name of investigation have tortured one Smt. Mariyamma as well as her son. It has been further stated that Mariyamma suddenly fell sick and was brought to the nearby hospital and she was declared as dead. It has been further stated that the fact finding enquiry took place in the matter on 21<sup>st</sup> and 22<sup>nd</sup> June, 2021 and it came to the notice of the Authorities that the deceased (Mariyamma) and others were lifted by the police in the name of investigation on 16.06.2021, they were tortured and consequently resulting in death of Mariyamma. Her son Uday Kiran gave a statement against the police in the fact finding inquiry. The following relief has been prayed in the writ petition:-

“It is therefore prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ

of Mandamus, directing a Judicial Enquiry into the death of deceased Mariyamma, dated 18.06.2021 as reported in FIR No.63/2021 and to take action against the errant officials involved in the murder as per law and to direct the state to pay exemplary compensation of Rs.5,00,00,000/- (Rupees five crores only) and to recover the same from the salaries of errant officials in the interest of justice and to pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

Earlier, during the course of arguments as the petitioner also wanted Central Bureau of Investigation (CBI) to investigate this matter, this Court directed impleadment of CBI.

The undisputed facts reveal that this Court by an order dated 24.06.2021 directed Judicial Inquiry as prayed for to be conducted in the matter. A Judicial Inquiry has been conducted by the Judicial Magistrate of First Class, Alair. Report has been submitted by the learned Magistrate and paragraphs 15 to 22 of the said Report are reproduced as under:-

“15. On 19.06.2021 the Team of Doctors of Government Hospital Bongir have conducted Post Mortem Examination. PW6/Dr Kranthi Kiran deposed that he along two doctors have conducted Post Mortem Examination over the body of deceased Mariyamma at 12.00 p.m. PW6/Dr Kranthi Kiran deposed that, there are external injuries on the body of the deceased. On

external examination the doctors noticed (i) contusion, brown coloured seen on both forearms and arms measuring 7 cm each (front) (obliquely seen), (ii) contusion seen on both thighs measuring 10 x 7 cm each, brown coloured obliquely (front) is shown, (iii) Linear abrasion measuring 4 cm length seen on left forearm on back side, (iv) Point abrasions seen on left leg below knee, middle third of left leg and inner aspect of left foot (3 in number), (v) Abrasion measuring 2.5 x 0.5 cm seen on lower third of left forearm above wrist, (vi) Linear abrasion measuring 3 cm length seen on outer aspect of left elbow, (vii) Point abrasions seen on right leg below knee middle third of right leg (2 in number), (viii) Abrasion measuring 0.5 cm x 0.25 cm seen on left arm on posterior aspect in the middle. All abrasions mentioned above are reddish brown in colour. He also deposed that the Post Mortem Examination is video graphed. PW7/Dr Pavani and PW8/Dr Sai Ram deposed that they both accompanied PW6/Dr Kranthi Kiran and conducted Post Mortem Examination and found External injuries on the body of deceased Mariyamma.

16. The PW10/Uday Kiran and PW11/Vemula Shanker also deposed that on 18.06.2021, they were examined by the doctor who gave one T.T. injection and given O.R.S., and some tablets. PW10/Uday Kiran asked SI about his mother and he stated that his mother is undergoing treatment in the hospital. Thereafter the police constables took both of them in one vehicle and started making rounds on the road in the said vehicle. The police took them to the hotel and had given Tiffin. Thereafter, the police took them to the places where no people are seen and asked Uday Kiran to remove the pant and to stand in the air, since the

skin out of injuries sustained was sticking to his pant. The police have parked the vehicle in the bypass road in the night and they slept in the vehicle. On the next day i.e., on 19.06.2021 morning the police Addagudur took both PW11/Vemula Shanker and PW10/Uday Kiran to a petrol bunk for brushing the teeth. Thereafter they have provided some Tiffin and they also took tablets. The police took them to one R.T.A office and when the people started moving, the police took them to some venture. The police took them to their relatives in Bhongir and in the mean time they informed Uday Kiran that his mother expired and the police handed over Uday Kiran to his relatives namely Pethuru, Philip. Further PW11/Vemula Shanker has deposed that he was handed over to his relatives Edukondalu and Vemula Narsaiah. Further, he deposed that the Police have obtained sureties and the Police have also given Rs.5,00,000/- to the elders of Uday Kiran. The deceased body was handed over to the relatives on 19.06.2021 and funerals were conducted at Komatlagudem village.

17. The daughter of Mariyamma PW13/Vinukonda Sujatha deposed that, on 18.06.2021 in the afternoon hours the Police informed them that her mother was admitted in the Hospital and was in serious condition. She along with husband PW14/Vinukonda Nagaraju have rushed to the hospital. In the mean time they came to know that her mother expired from the Reporters. Thereafter, both PW13/Vinukonda Sujatha and PW14/Vinukonda Nagaraju went to the mortuary and they came to know from the doctors that Mariyamma expired due to heart attack. The family members of the Mariyamma

deposed that she was not suffering from any disease and do not have any ailments.

18. Since, there are contradictions noted in respect of the external injuries sustained by the deceased/Mariyamma in Inquest Panchanama and the Post Mortem Report, the Re-post Mortem examination was conducted on 02.07.2021 by Team of doctors headed by Forensic Science Experts of Kakatiya Medical College, Warangal, with the consent of the family members, the same was also video-graphed.

19. Thereafter the doctor who conducted Post Mortem Examination on examining the Toxicology report and Histopathology report issued the final Post Mortem Examination Report and the cause of death of deceased Mariyamma is "**Ischaemic Heart Disease**". Ex.P.23.

20. Further, the Tem of doctors of Forensic Science Medicine, of Kakatiya Medical College, Warangal also issued the Re-post Mortem Examination report which disclose that there are injuries on the body of deceased i.e., (1) Contusion 4 x 2 cm extending from the base of the thumb to anterior aspects of the forearm of the right upper limb, (2) Contusion measuring 2 x 1 cm lateral side of right ankle region. Further on examination of the Histopathology Report and Toxicology Report, the cause of death is due to "**Sudden Cardiac Arrest and Death**" under Ex.P.26.

21. Therefore, statements of witnesses i.e., P.W10/Ambadipudi Uday Kiran, PW11/Vemula Shanker, PW12/Kashimalla Swapna supported by the Post Examination Report and Re-post Mortem Examination it can be concluded that, there was ill

treatment of Ambadipudi Mariyamma in the hands of Police, Addagudur while she was in Police custody. Further, as per the Post Mortem Examination Report, there are several external injuries found on her body. The same was also corroborating with the Re-post Mortem Examination Report as to presence of External injuries. The cause of death of deceased Mariyamma as per Post Mortem Examination is due to “**Ischaemic Heart Disease**” and as per the Re-post Mortem Examination Report, the cause of death is due to “**Sudden Cardiac Arrest and Death**”. Further from the statements of the family members there is no history of any ailments to the deceased Mariyamma. Hence, the Point No.1 and 2 are accordingly answered.

22. In the result, the Judicial Inquiry as required under Section 176(1)(A) CrPC is concluded with the following observations:

- i) the death of Mariyamma was occurred on 18.06.2021 while she was in Police custody in connection with Crime No.62/2021 of Police, Addagudur.
- ii) Further it is established that, there was ill treatment of the deceased Mariyamma in the hands of Police Addagudur when she was in the police custody.
- iii) Further the cause of death as per the Post Mortem Examination is due to “**Ischaemic Heart Disease**”.
- iv) The Re-post-Mortem Examination Report disclose as per the Histopathology Report:
  - a) Neovascularisation within the coronaries of the left atrium, fatty infiltration seen in both atriums and right ventricle may be due to age related changes,

- b) Myocardial hyperplasia of the heart may be due to long standing disease like chronic hypertension or diabetes,
- c) Cell infiltrated inflammatory changes in the heart muscle and congestion of blood vessels of the heart indicates sudden cardiac arrest due to arrhythmias,
- v) The cause of death as per the Re-post Mortem Examination Report, the cause of death is due to **“Sudden Cardiac Arrest and Death”**.

Accordingly, this Report is being submitting to the Hon’ble High Court for the State of Telangana in obedience to directions in W.P. (PIL) No.62 of 2021 along with the Statements of witnesses and the documents, Post Mortem Examination and Re-post Mortem Examination Report in sealed cover.”

The learned Advocate General appearing for the State has informed this Court that pursuant to the order passed by this Court, Re-post Mortem was also done in the matter of the deceased at Khammam on 02.07.2021 and a counter affidavit has been filed in the present petition. Paragraphs 12 to 21 of the said counter affidavit are reproduced as under:-

“12. It is hereby submitted that the case registered in FIR No.62/2021 u/S 381 IPC on the file of Addagudur PS is under investigation and the averments made by the petitioner with regards to the contents of crime No.63/2021 are false and with regards the same, it is submitted that Smt.

Mariamma suddenly fell sick while she was in the 3<sup>rd</sup> respondent Police Station and when she was taken to the nearby hospital, she was pronounced 'brought dead'. As such, during the course of taking her to the hospital, the deceased has died and her son was admitted to hospital for treatment of his injuries.

13. It is hereby submitted that the petitioner's averments with regards to the deceased's son and his friend being tortured for two days by the respondents or that the respondents killing their mother are false and hold no water. It is hereby submitted that on the basis of statements given by Mr. Uday Kiran (son of the deceased) and the MLC vide OP No.101119 dated 20.06.2021 issued by Dr.Kranthi Kiran, Civil Assistant Surgeon, District Head Quarter Hospital, Khammam in which he opined that the injuries received by the injured Sri Ambadipudi Uday Kiran are "simple in nature", the provisions of Section 330, 341, 506 IPC and Section 3 (2) (Va) of SC/ST (PoA) Act, 2015 were added to the existing Section of law 176 1 A (a) CrPC in the contents of crime No.63/2021.

14. It is respectfully submitted that on the basis of the statements of Smt. Kasimalla Swapna (younger daughter of deceased), the role of 3<sup>rd</sup> respondent and his staff PCs-2012 Sri Janaiah and 3056 Sri Rasheed Patel of Addagudur Police Station has been established in the assault and wrongful confinement of the deceased, her son and Mr.Shankar and as such, the 3<sup>rd</sup> respondent Sub Inspector of Police, Addagudur PS Sri V.Maheshwar and Police Constables Sri Rasheed Patel PC-3056 and Sri Janaiah PC-2012 were dismissed from the services by the 2<sup>nd</sup> respondent vide D.O. Nos.1783/2021, 1784/2021 and 1786/2021 dated 20.07.2021 under



sub-clause (ii) of TS Civil Services (CC & A) Rules, 1991 and under sub clause (b) of clause (2) of Article 311 of the Constitution of India, 1950 and they have also been served with Notices u/sec 41-A CrPC.

15. It is respectfully submitted that the allegations made by the petitioners that no proper procedure was followed by the respondents in Crime No.63/2021 is baseless as the investigation is in progress in Crime No.63/2021 on the file of Police Station, Addagudur and a proper enquiry will be done with regard to the same.

16. It is respectfully submitted that it is not correct on the part of the petitioners to allege that the respondents have not followed the guidelines of NHRC as the respondents have immediately submitted the custodial death report in the present case to the Commission as per the guidelines of NHRC.

17. It is relevant to mention herein that the Post-Mortem into the death of Mariamma was conducted by a team of doctors, namely, Dr. A. Kranti Kiran, Asst. Forensic, Dr. M.Pavani, CAS Pediatrics and Dr. M.Sai Ram, AS (DMO) and the same was video graphed and the Post-Mortem report with regard to cause of death is awaited. The Re post-mortem of the deceased was conducted on July 2<sup>nd</sup> pursuant to the enquiry conducted by Hon'ble Judicial First Class Magistrate, Alair.

18. It is respectfully submitted that the CC TV footage of the 3<sup>rd</sup> respondent Police Station was last recorded on 27 May 2021 and since then the same has not been in a working condition. There are 18 police stations in Yadadri-Bhongir Dist/Zone and CCTV cameras have been installed in all the 18 PSs of the

district in compliance with the Judgment/ direction of the Apex Court in the case of Paramvir Singh Saini v Baljeet Singh & Others reported in 2020 SCC OnLine SC 999. It is relevant to mention that CCTVs were installed in Addagudur PS in September 2020 with a back up of 20 days. Thereafter, in 3 PSs CCTVs have sustained repair and the functioning was restored on 25 June 2021. The CCTV at Addagudur PS stopped functioning on 27 May 2021 due to cable damage and its functioning was restored on 25 June 2021.

19. It is respectfully submitted that as prayed by the petitioner and in accordance with the orders passed by this Hon'ble Court, the Judicial Inquiry is being conducted by the Hon'ble Judicial First Class Magistrate, Alair and the same is in progress.

20. It is hereby submitted that the Government has given compensation to the family members of deceased by issuing cheques to an amount of Rs.15,00,000/- in favour of Sri Ambadipudi Uday Kiran (son of deceased) and Rs.10,00,000/- each in favour of Smt. Kasimalla Swapna (younger daughter of deceased) and Smt Inukonda Sujatha (elder daughter of deceased) as compensation. The son of deceased Sri Uday Kiran was also provided with a job in Social Welfare Department as subordinate.

21. It is hereby submitted that this respondent craves leave of this Hon'ble Court to reserve the right to file any additional counter affidavit if circumstances so warrant."

The counter affidavit reveals that criminal cases have been registered against the police personnel posted in the police station. The counter affidavit also reveals that the

third respondent/Sub Inspector of Police Sri V.Maheshwar, along with police constables Sri Rasheed Patel and Sri Janaiah have been dismissed from service by an order dated 20.07.2021 keeping in view the statutory provisions as contained under Telangana State Civil Services (Classification, Control and Appeal) Rules, 1991. They have already been served with notice under Section 41A of Code of Criminal Procedure and the investigation is going on. Not only this, the counter affidavit further reveals that the Government has given compensation to the family members to a tune of Rs.15,00,000/- (Rupees fifteen lakhs only) in favour of Sri Ambadipudi Uday Kiran (son of the deceased) and Rs.10,00,000/- (Rupees ten lakhs only) each in favour of Smt. Kasimalla Swapna (younger daughter of the deceased) and Smt. Inukonda Sujatha (elder daughter of the deceased). The State Government has also provided a job in Social Welfare Department to Sri Uday Kiran, the son of the deceased. Meaning thereby, the State Government has taken some remedial steps in respect of the custodial death.

The crime has already been registered against the police officials in respect of death of Smt. Mariyamma and the Report of the Judicial Inquiry is on record. The Report includes the statements of all persons along with material

documents in respect of the crime, which has already been registered against the police personnel. In the light of the action taken by the State Government and the findings arrived at in the Judicial Inquiry, which has been done by the Judicial Officer, no further orders are required to be passed in the present Public Interest Litigation and it shall be duty of the State to bring the criminal case registered against the police personnel to a logical conclusion by investigating the matter with promptitude and by proceeding ahead in accordance with law to generate confidence in the heart of the citizens of the country.

With the aforesaid, the present Public Interest Litigation stands disposed of. Miscellaneous petitions, if any pending, shall stand dismissed. There shall be no order as to costs.

The record of Judicial Inquiry be kept in a sealed cover with the Registrar General of this Court.

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**SATISH CHANDRA SHARMA, CJ**

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**A.RAJASHEKER REDDY, J**

29.11.2021  
Pln