

NATIONAL HUMAN RIGHTS COMMISSION  
(LAW DIVISION)  
FARIDKOT HOUSE  
COPERNICUS MARG, NEW DELHI - 110 001

Case No. 6/1/2003-2004-AD

Dated 25/02/2007  
29/02/07

To

✓ SH. SUBHASH CHAKMA, DIRECTOR  
ASIAN CENTRE FOR HUMAN RIGHTS, PO BOX 9627,  
JANAKPUR I  
DELHI, DELHI.

Sir/Madam,

With reference to your complaint dated 25/03/2003, I am directed to say that the matter was considered by the Commission on 09/02/2007. The Commission has made the following directions.

*Asian Centre for Human Rights vide its letter dated 25th March 2003 draw the attention of the Commission towards the death of one Soya Venkatanna, aged 26 years in the custody of Maldakal Police Station, Mahabunagar, Andhra Pradesh in the wee hours of 2yth February, 2003 allegedly due to torture. It has been prayed as under:-*

*"Direct the State Government of Andhra Pradesh to register murder cases against sub-inspector, C. Jagatrankashachari of Maldakal police station and constables Mr. L. T. Naik and Mr. Janardhan Reddy or any other guilty police personnel for murder of Mr. Venkatanna and that they be immediately arrested;*

*Direct the State Government of Andhra Pradesh to order an inquiry by a Judicial Magistrate and not by an Executive Magistrate;*

*Direct the State Government of Andhra Pradesh to provide the autopsy report which should have been conducted in full conformity with the NHRC guidelines on custodial deaths/rapes to the NHRC within two weeks;*

*Direct the State Government of Andhra Pradesh to pay an interim compensation of Rs. 500,000/- (five lakhs) to the victim's parents and the same be recovered from the guilty police personnel;*

*Direct the Government of India to ratify the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and*

*Take any other measures that the NHRC deems fit."*

*Upon perusal, the Commission vide proceedings dated 10.4.2003 directed as under:-*

*"Issue notice to the DG of Police, Andhra Pradesh and call for a post-mortem, inquest and magisterial inquiry report within four weeks. An explanation as to why intimation about the custodial death was not given in time, should also be sought."*

*Pursuant to the directions of the Commission, D.G. and Inspector General of Police, A.P. vide communication dated 30.6.2003 has forwarded a copy of the report dated*

26.2.2003 received by him from SP, Mahabubnagar, A.P. Relevant part of the report reads as under:-

"This is a case of "Custodial death" that occurred on 27.2.2003 at about prior to 0330 hours at PS Maldakal of Gadwal Circle and Sub Division. Jillella Janardhan Reddy, PC 534 of Maldakal PS submitted a written report on 27.2.2003 at 0730 hours to Sri Ranjan Rathna Kumar, CI of Police, Gadwal informing that on 26.2.2003 at 1700 hours a Complt. was lodged by R. Thimma Reddy s/o Ranga raddy r/o Bijjaram village in which he alleged that about a month back four persons by name Boya Venkatanna s/o Gudimundu Hanmanna, aged 28 years, Boya Govindu s/o Thalari Buddanna, Kurusati Nagesh s/o Thippanna and Narsimhulu s/o Gadda Bazaranna stolen away one electrical motor pump from his agricultural fields. The SI of Police, Maldakal PS registered a case. Boya Venkatanna, Boya Nagendrudu and K.Nagesh were brought to the PS for inquiry into the allegation. Boya Venkatanna confessed the commission of offence. The SI asked the suspects to sleep in his room at the PS. In the night at about 0330 hours he went into the SI's room and found Boya Venkatanna himself hanged to death with his lungi to the grill of the window. The matter was informed to the SI. PC 534 requested the CI to take legal action in this matter.

On the receipt of the above complaint from the PC 534 the CI of Police registered a case in Cr. No. 16/2003 u/s 176 CRPC. The CI of Police gave written requisition to the Revenue Divisional Officer, Gadwal for taking of enquiry as per the Procedure laid down in section 176 of CRPC.

The Superintendent of Police, Mahabubnagar vide No. 18/SPCamp/MBNR/03, Dated 27.2.2003 appointed SDPO Mahabubnagar as special investigation officer for this case. The SDPO took up the investigation immediately and visited the scene of offence, examined and recorded the statements of witnesses namely 1) Jillella Janardhan Reddy s/o Chinna Bachi Reddy, aged 43 years, Occ: PC 534 of Maldakal PS, 2) Jonnalagadda Ranjan Rathna Kumar s/o J. Raja Rao, 37 years, Occ: CI of Police Gadwal r/o Yella Reddy of Nizamabad District 3) Boya Hanmanna s/o Pedda Hanmanna, 55 years, Caste Boya, Occ: Coolie r/o Dasarpally H/o Bijjaram village (Father of the deceased), 4) Boya Mukkidamma w/o Hanmanna, 50 years, Boya, Coolie r/o Dasarpally village (Mother of the deceased), 5) Boya Nagesh s/o Kurshetti Thippanna, 20 years, Boya, Coolie r/o Dasarpally village (Circumstances Witnesses), 6) Boya Nagendrudu s/o Talari Buddanna, 25 years, Agriculture, r/o Dasarpally village presently residing at Makala Sompalli Village (Circumstances Witness) and 7) Pasham Venkateshwarlu s/o Sheshi Reddy, Munnurkapu, PC 1583 of Maldakal PS N/o Vemula Village of Itikyala Mandal (Circumstances Witness) who were acquainted with the facts of the case. The investigation revealed that the accused C.J.R.Chary, SI of Police, Maldakal on 25.2.2003 brought the deceased Boya Venkatanna s/o Hanmanna age 28 yrs, caste Boya r/o Dasarpally village along with two other suspects namely Boya Nagesh and Boya Nagendrudu r/o Dasarpally village through PCs 534 and 49 of PS Maldakal for enquiry into the allegations of theft of Electric motor Pump of R Thimma Reddy r/o Bijwar village. Without registering the case he kept the deceased and the other two suspects in the Police Station illegally on 25.2.2003 from evening 6 pm. On 26.2.2003 a case in Cr. No. 15-03 u/s 379 IPC was registered by the C.J.R.Chary, SI of Police, and Maldakal at 1700 hours. The SI failed to make legal arrest of deceased and wrongfully confined him from 25.2.2003, 6 pm to 27.2.2003. Owing to which the deceased who was wrongfully detained by the accused, himself committed suicide by hanging with his lungi to the window grill of his room in Maldakal PS. The prima-facie of offence u/s 342 IPC has been established against accused C.J.R.Chary, SI of Police, Maldakal Police Station.

The Section of law was altered to 342 IPC from 176 Cr.P.C. A requisition was sent to the Hon'ble J.P.C.M. Gadwal regarding the alteration of section of law. The R.D.O. Gadwal conducted inquest over the dead body of the deceased in the presence of 3



ponchyadars. The P.M.E. was videographed. No external injuries were found on the dead body. No witnesses showed any suspicion over the death. The body was subjected to P.M.E. by team of Doctors consisting of 1) Dr. Shivaprasad and 2) Dr. Shamasundari Devi. In the short opinion, the Medical Officers opined that the cause of the death was due to "Asphexia due to hanging"

The investigation established the offence u/s 342 IPC against C.J.R.Chary, SI of Police, Maldakal Police Station. He was arrested on 27.2.2003 and was remanded to judicial custody on 28.2.2003. The SI was subsequently suspended. The investigation in this case is almost completed except receipt of detailed P.M.E. report. The CI of Police, Gadwal could not ensure the release of the deceased in time due to which, deceased committed suicide in the SI's room, which reflects lack of supervision on the part of the CI of Police. In this case the CI of Police, Gadwal and PCs 534 and 49 were placed under suspension.

6. Motive for the Offence: NIL

7. Details of Deceased/Injured : Boya Venkataiah s/o Gudimunudu Hanmanna, 28 years, Boya r/o Dasarpally village h/o Bijjaram village,

8. Details of Accused: Sri C.J.R. Chary, SI of Police Maldakal P. S.

9. Total loss of Human Lives: One

10. Steps taken to obtain PME/IFSL Report etc. : The team of doctors 1) B. Shiva Prasad, 2) Shyamsundara Devi, Civil Surgeons, Govt. area Hospital, Gadwal who conducted the PME over the dead body of the deceased Boya Venkataiah s/o Gudimundu Hanmanna, 28 years, r/o Dasarpally h/o Bijjaram village issued short opinion stating that the deceased died due to "Hanging". The detail P.M.E. report is awaited.

11. Number of accused arrested and dated their remand: One accused (C.J.R.Chary, SI of Police, Maldakal PS) was arrested on 27.2.2003 at 6.30 pm and sent for judicial remand on 28.2.2003.

12. Steps taken to apprehend the remaining accused persons: The only accused C.J.R.Chary was arrested on 27.2.2003.

13. Progress made so far in the investigation: The investigation has been completed. The detail P.M.E. report is awaited.

14. Date of filing chargesheet: Charge sheet is being filled in the court after obtaining detailed P.M.E. report early.

15. Instructions issued to I. O. for detection of the case: The I.O. is instructed to obtain the detailed P. M. E. report and finalise the case.

16. Present stage of the case: The investigation is completed and the case is being charged. "

D.G. of Police, A.P. vide communications dated 29.6.2006 has submitted further report. Relevant part of the report reads as under:-

"I am herewith enclosing a copy of F.I.R., Inquest Report along with short opinion on the cause of death of Mr. Boya Ventanna issued by Civil Surgeon, Area Hospital, Gadwal, Mahaboobnagar District.

sanction for payment of Rs. 1,00,000/(Rupees one lakh only) i.e. 50,000/- each to the parents of Boya Venatanna, who died on 27.2.2003 as recommended by the State Human Rights Committee in H.R.C. No. 11 of 203. Government have also ordered to take disciplinary action besides prosecution against Sri C.J.R. Chary, formerly SubInspector of Police, Maldakal P. S.

The following individuals were placed under suspension 1. Sri C.J.R.Chary, S.I., Maldakal P.S. 2. Sri G. Janardhan Reddy, P. C. 534 of Maldakal P. S. 3. Thouriya Naik, P. C. 49 and Sri J. Ranjan Ratan Kumar, C.I. The delinquents have acknowledged the article of charge and a joint Oral Enquiry was ordered against all the erring police officers by Dy. Inspector General of Police, Hyderabad Range, Hyderabad by appointing S.D.P.O., Mahaboobnagar Division and C.I. Mahaboobnagar Town as Enquiry Officer and Presenting Officer respectively. "

SP, Mahabubnagar, A.P. vide communication dated 28.8.2006 has stated as under:-

"I am to state that the information regarding lockup death was informed to all the officers except NHRC due to sheer negligence of the then Sr. Asst. (CI) Sri Tippanna (who is now retired) and Sri T. Sat yam the then Inspector, DCRB, Mahabubnagar who have not put up message addressed to NHRC. Disciplinary action is being initiated against Sri T. Sat yam the then Inspector, DCRB, Mahabubnagar for his negligence. The present staff have also been strictly instructed to be careful in future to put up information to NHRC immediately soon after reporting of custodial/lockup death cases in the district."

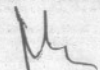
It is seen from record that A.P. State Human Rights Committee has taken cognizance of the matter on 28.2.2003 and on its recommendations compensation has been paid to the next of kin of the deceased and disciplinary action has been taken against negligent policemen.

In view of the facts and circumstances narrated above, no further action by the Commission is called for.

File.

This is for your information.

Yours faithfully,

  
ASSISTANT REGISTRAR(TAW)