

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,
INA, NEW DELHI- 110023

Dated 02/11/2018

Case No. 609/1/7/2012-ad

To

18 NOV 2018

TEJANG CHAKMA, COMPLAINTS COORDINATOR
ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND
FLOOR), JANAKPURI,
WEST DELHI, DELHI-110058,

Sir/Madam,

With reference to your complaint dated 25/05/2012, I am directed to say that the matter was considered by the Commission on 25/10/2018. The Commission has made the following directions.

By its proceedings dated 04.04.2018, the Commission had recommended to the Government of Andhra Pradesh to pay a sum of Rs. Five Lakhs as monetary compensation to the next of kin of the deceased Puttamreddy. The Chief Secretary, Govt. of Andhra Pradesh was directed to submit the compliance report along with proof of payment within six weeks.

Pursuant to the directions of the Commission, Principal Secretary to the Govt. of Telengana, General Administration SPL (L&O) Department vide communication dated 04.10.2018 has forwarded a copy of receipt regarding payment of Rs. Five Lakhs as monetary compensation to the next of kin of the deceased Puttamreddy.

In view of compliance of recommendation of the Commission, the case along with linked cases i.e. 497/1/7/2012-AD, 609/1/7/2012-AD & 743/1/7/2012-AD is closed. The video cassette/CD of autopsy, if any, be sent back to the concerned authority.

This is for your information.

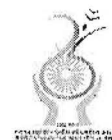
Yours faithfully,



ASSISTANT REGISTRAR(LAW)

CC :-

National Human Rights Commission New Delhi, India



Case Details of File Number: 609/1/7/2012-ad

Diary Number	69584
Name of the Complainant	TEJANG CHAKMA, COMPLAINTS COORDINATOR
Address	ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND FLOOR), JANAKPURI, WEST DELHI , DELHI
Name of the Victim	P. REDDY
Address	ALLURU, NELLORE , ANDHRA PRADESH
Place of Incident	PS. MIYAPUR HYDERABAD , TELANGANA
Date of Incident	4/15/2012
Direction issued by the Commission	<p>The Commission received an intimation from Commissioner of Police, Cyberabad, (A.P.) about the death of the accused Puttam Reddy Sfo Srinivasulu aged 36 years on 15.04.12 in the custody of PS Miyapur, Cyberabad. He was brought to Police Station in connection with Case No. 175/12 u/s 385 r/w 34 IPC on 14.04.12 at 2100 hrs. and kept in lock-up. On 15.04.12 at 0400 hrs., he complained of restlessness with headache and uneasiness. He was rushed to Lalitha Gayatri Hospital Madinaguda, where he expired at 05.30 hrs. during treatment. The Commission also received a complaint from Sh. Puttam Reddy Srinivasulu Reddy father of the deceased stating that his son was arrested by the Police of PS Miyapur on 12.04.12 and illegally detained till 14/04/2012. He further alleged that the deceased was done to death while in illegal custody and to cover up the same, an inquest report in FIR No.182/2012 was prepared with stock panchas to close the case. However Police claimed that he was arrested on 14.04.12. There is contradiction between Inquest report and Post Mortem Report. Inquest report did not notice any injury however PMR noticed contusion/abrasions. Father of the deceased also alleged that if the deceased had banged his head to the wall of cell as claimed by the police, there would be injuries over the forehead. In this incident two more complaints were received in the Commission. First one is from Shri Tejang Chakma, complaints Coordinator, Asian Centre for Human Rights, -3/442-3 Janakpur, New Delhi and the second one from Shri Jaya Vidhyala Advocate, President, PUCL-AP 16-08-908/7 Malakpet, "X" Roads, Hyderabad (A.P.). Since the complaints belong to the same subject, all the three complaints were clubbed with the instance case. The Commission took cognizance on 7.5.2012 and directed DG (I) to collect relevant reports which were received and examined by the Investigation Division of the Commission. The Inquest report did not notice any external injury on the body. The Panchayatdars opined that the deceased was taken to PS Miyapur on 14/04/2012 in connection with case NO.175/12 u/s 385 r/w 34 IPC and he was kept in the lock up at 09.00 p.m. On 15/04/2012 morning at 04.00 hrs. the deceased shouted with pain and banged his head to the cell wall. He was taken to Lalitha Gayatri Hospital where he died during treatment. Post Mortem Report, revealed rigor mortis present all over the body. Grazed abrasions over the chest and abdomen vertically placed and minute contused abrasion over dossa of right hand and left wrist were found. All organs were congested. The cause of death was due to "Acute coronary insufficiency". Magisterial Enquiry was conducted by the Special Grade Deputy Collector, Chevella, District Ranga Reddy. The enquiry revealed that the deceased Puttam Ram Reddy and three others associates, namely, a Bellamkonda Sandeep, Rohit Kumar and N. Vikas were wanted in Cr. Case No.175/12 u/s 385 r/w 34 IPC. On 12.04.12, associates of the deceased went to the house of Shri D. Nagarjuna (complainant of above FIR No. 175/12) for extortion of money (Rs. 10,00,000/-) on the direction of the deceased . (Puttam Ram Reddy). But the police caught them on the same day on 12.04.12 and next day produced them before the court. On 14.04.12 at 2100 hrs. the deceased was also arrested by the Police of PS Miyapur, Cyberabad and kept in lock up. On 15.04.12 at 0400 hrs. he complained of restlessness with headache and uneasiness. He was rushed to Lalitha Gayatri Hospital, Madinaguda, where he expired at 05.30 hrs. Relatives of the deceased alleged that the deceased was arrested by the police on 12/04/2012 and kept in illegal custody till 14/04/2012. He also alleged that the deceased died due to police torture. During enquiry, Sh. Bellamkonda Sandeep (associates of the deceased) also admitted that the deceased was arrested by the police on 12.04.12 and police have rigorously beaten him. However another accused Rohit Kumar stated that the deceased was not arrested on 12.04.12 till they were taken to the court. Enquiry officer concluded that the deceased expired due to "Acute coronary secondary to MI (acute) cardiac arrest". No lapses were found on the part of Police official as no external injuries were found on the body of the deceased. After careful examination of reports on record, the Commission directed State of AP to get this case investigated by CBCID and submit report. Accordingly, State of AP submitted report of CBCID which revealed as under:- a) The deceased was taken into custody on 14/04/2012 by PS Miyapur as he was involved in Cr.No.175/2012 u/s 384 r/w 34 IPC and brought to PS at 22.30 hrs. to verify his complicity. In the early morning, as he suffered chest pain he was taken nearest hospital "Lalitha Gayathri", Madinaguda, for treatment at 4.30 am and 4.35 am he suffered cardiac arrest. In spite of best efforts his life could not be saved and he died at 5.30 am. b) Death was registered on 15/04/2012 as Cr.No.182/2012 u/s 176 Cr.P.C. of PS Miyapur. As per procedure, inquest was held by the Dy. Collector and Tehsildar, Sher Lingampalli, RR District, Shri G. Subba Rao. The case was investigated by the Assit. Commissioner of Police, Pet Bashirabad. As per autopsy report, the actual cause of death of the deceased was due to "Coronary Insufficiency" which was corroborative with the medical condition of the deceased prevailing during his treatment at Lalitha Gyathri hospital, Madinaguda where he was taken for immediate treatment by staff of PS Miyapur. c) Dr. A Nagendra, the ROO, Chevella Division, R.R District conducted Magisterial enquiry into the above said incident and came to the conclusion vide report bearing NO.L/MER/7174/2012 dated 02/07/2013 addressed to the District Collector, RR District that a) the immediate cause of death occurred due to acute coronary secondary to MI (acute)/Cardiac arrest, b) there was no lapse found on the part of the police officials as no injuries were found anywhere of the body as per the medical reports'. d) The complainant, father of the deceased stated that due to suspicion over death of his son, he submitted representation to the NHRC for enquiry. But, upon his own enquiry, the complainant realized that on night of 14/04/2012, his son P.Rami Reddy was taken to PS for enquiry in Cr.No.175/2012 u/s 384 r/w 34 IPC and in early morning hours his son suffered pain in the chest and immediately he was moved to nearest hospital "Lalitha Gayathri", Madinaguda for treatment and he died there while undergoing treatment. He opined that death of his son was due to chest pain and he did not suspect anyone and state that no one was responsible for death of his son. He stated that he wanted to withdraw the representation made to NHRC. The Commission after perusing the CID reports directed to get the comments of the complainants. In response to the Commission's direction dated 26/03/2015, the complaint coordinator, Asian Centre for Human Rights submitted his comments. The point wise comments of the complainant are as under:- 1) The father of the deceased appeared to have been pressurized by the police on the ground that: a) The police did not submit the statement of the deceased's father recorded during the enquiry.</p>

b) Father of the deceased was not a competent authority to give opinion that his son died due to chest pain. 2) Records such as PMR, MER, Inquest Report, Medical Reports and police records such as G.D. entry, arrest memo etc had not been submitted. 3) There was delay of more than one year to conduct the Magisterial Enquiry. Therefore, the findings of the Magisterial Enquiry report are limited and only made on the basis of medical reports. Upon careful perusal of entire material placed on record, it has come to light that the police have not been able to produce the medical treatment records, relevant G.D. entries and arrest memo. Further, there are contradictory statements regarding picking of the deceased. As per the relatives and some witnesses, he (deceased) was arrested on 12/04/2012 whereas some other witnesses and police mentioned that he was arrested on 14/04/2012. The wife of the deceased also stated that the deceased called on her mobile from the PS on 12/04/2012 informing about his arrest. During the magisterial enquiry relatives of the deceased alleged that the deceased was arrested by the police on 12.04.12 and kept in illegal custody till 14.04.12. They also alleged that the deceased died due to police torture. The Enquiry Magistrate did not comment on the allegation of arresting the accused on 12/04/2012 and keeping him in illegal custody till 14/04/2012 and also the allegation that the deceased died due to police torture. In the PMR there were ante mortem injuries on the body such as contused abrasion and grazed abrasion (which means that he was dragged) indicating police torture, but in the MER it was stated that no injuries were found. Admittedly, the deceased was in the police custody. As such the State was vicariously liable to ensure safety and security of the arrestee while he was in the custody of State. Post-Mortem Report discloses ante-mortem injuries on the body, such as, contused abrasion and grazed abrasion (which means that the deceased was dragged) indicating police torture. Further, the Police has failed to produce any medical record, relevant GD entries and arrest Memo. Furthermore, there are contradictory statements on record in regard to picking up of the deceased. From the above analysis, it appears that the deceased was kept in illegal detention and also subjected to torture before his death. Having considered carefully entire material placed on record, the Chief Secretary, Govt. of Andhra Pradesh is directed to Show Cause u/s 18(a) (i) of the Protection of Human Rights Act, 1993 as to why monetary compensation of Rs. 5,00,000/- (Rupees Five Lakh) should not be recommended to be paid to the NoK of the deceased within six weeks.

Action Taken

Status on 9/22/2018

Additional Information Called for (Dated 6/29/2016)

Response from concerned authority is awaited.

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Note: For further details kindly contact National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023

For Complaints : Tel.No. 24651330, 24663333. Fax No. 24651332 E-Mail: cr[dot]nhrc[at]nic[dot]in

नोट: अन्य जानकारी हेतु कृपया संपर्क करें राष्ट्रीय मानव अधिकार आयोग, मानव अधिकार भवन, ब्लॉक-सी, जी.पी.ओ. कम्प्लेक्स, आई.एन.ए., नई दिल्ली - 110023,

शिकायतों के लिए : फोन नं. 24651330, 24663333 फैक्स नं. 24651332 ई-मेल : cr[dot]nhrc[at]nic[dot]in

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अस्वीकरण : नेट पर प्रकाशित सूचना में, अनजाने में हुई किसी भी गलती के लिए न तो एन.एच.आर.सी. न ही एन.आई.सी. जिम्मेदार है।