

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
TUESDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY
WRIT PETITION NO: 1601 OF 2023

Between:

1. G Sujatha, W/o Bairi Naresh.
2. Bair Naresh, S/o Dharmaiah.

Petitioners

AND

1. The State of Telangana, represented by the Principle Secretary, Home Department, Secretariat, BRK Bhavan, Hyderabad.
2. The Director General of Police, DGP For the State of Telangana, Lakadikapool, Hyderabad.
3. The Superintendent Central Prison, Cherlapalli, Ranga Reddy Dist.
4. The Station House Officer, (SHO), Kodangal PS, Vikarabad District.
5. The Station House Officer (SHO), Kukatpally PS, Cyberabad, Ranga Reddy District.
6. The Station House Officer, (SHO) Kulsumpura Police Station , Hyderabad.
7. The Station House Officer, (SHO) Cyber Crime Police Station, Hyderabad.
8. The Station House Officer (SHO), Rudrur Police Station , Nijamabad District.
9. The Station House Officer (SHO), Varni Police Station, Nijamabad District.
10. The Station House Officer (SHO), Kotagiri Police Station, Nijamabad District.

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 writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent Police department in receiving and registering cases after cases at different Police stations basing on the same similar facts and contents of the First Information Report which was already registered on 30.12.2022 in Crime No 185 of 2022 of Kodangal Police Station for the Offences U/s 153A,295A,298,505(2) of IPC is illegal and unlawful besides being violative of the Apex Court Orders and against article 14 and 22 of Constitution of India consequently direct the Respondent Police to transfer all the cases of all the FIRs registered and the future FIRs to be registered against Petitioner No 2 Bairi Naresh basing on Crime No 185 of 2022 of PS Kodangal along with Crime No 2450/2022 of Cyber Crime PS, Hyderabad, Crime No 1005 /2022 of Kukatpalli PS, Crime No 0-1/2022 of PS Kulsumpura, Crime No 0-2 of PS Rudrur , Crime No 0-3 of Varni PS and Crime No 0-3 of Kotagiri PS of Nijamabad District into single FIR to file one Charge Sheet by one PS only and also direct the 2nd Respondent to take action on 3rd Respondent for illegally punishing and violating the limits U/s 74 of IPC and chapter 42 of Prison Rules thereby do justice and avoid unjust practice on the under trail Prisoner (UT 4831)Petitioner No 2 in Cherlapalli Central Prison and also award sufficient compensation for the same and costs;

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased To direct the respondent No3 to shift the Petitioner no 2 Bairi Naresh UT No 4831. who is lodged at. Cherlapalli Central Prison from the present Solitary Confinement Punishment Cell to any

other UT Prisoners Ward forthwith, Pending disposal of WP 1601 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI D SURESH KUMAR Advocate for the Petitioners, GP FOR HOME for the Respondents, the Court made the following.

ORDER

The learned Government Pleader for Home has placed on record the written instructions of the Superintendent, Central Prison, Cherlapalli and submitted that the Jail authorities have not violated the human rights of the Under Trial Prisoner No.4831-Bairi Naresh S/o Dharmiah in any manner and he is not confined in (24) hours lockup in solitary confinement. The said prisoner has access to all prisoner facilities, such as prisoner interviews, phone calls, medical facilities, dry and wet canteen etc. and he is allowed to move freely within the boundary of the Manasarovar prisoner barrack. The Jail authorities are regularly interacting with the said prisoner every day and regularly enquiring about his well-being and grievances.

It is contended by the learned Government Pleader that the allegation of petitioner that the prisoner is subjected to solitary confinement is incorrect. The learned Government Pleader further submitted that the said Prisoner is involved in serious and sensational case and as per intelligence inputs received by the jail authorities, the Prisoner has a life threat even from the jail inmates as he has uttered controversial statements about Bhagwan Ayyappa Swamy, thereby hurting the sentiments of devotees of Lord Ayyappa and Hindus at large.

The learned counsel for petitioner submitted that he has personally visited the Jail and had Mulakhat with the prisoner. It is not disputed by the learned counsel that the Prisoner was kept in Manasarovar Barrack, however, the learned counsel submitted that deliberately the Jail authorities are not allowing the prisoner to interact with the jail inmates. The prisoner has given one hour slot during which time, he is permitted to come out of the barrack and most of the time, he is in the cell. According to the learned counsel for petitioner, there are several cells in Manasarovar Block and there is one cell which is used by Jail authorities to keep the prisoners who are involved in serious offences. Solitary confinement is not for under trial prisoners. The prisoner is separated from other jail inmates. After filing writ petition, the prisoner is given one hour slot to come out of the cell.

However, the learned Government Pleader for Home submitted that the Prisoner has availed six mulakhats to meet his family members and lawyers and was given free access to interact with other prisoners.

It is contended by the learned counsel for petitioner that personal liberty of the prisoner is violated without following due process of law and the prisoner is subjected to solitary confinement by keeping him alone in one cell, which can accommodate (20) prisoners.

In view of contradictory versions, this Court feels it appropriate that one Judicial Officer visit the Prison to know the status of the Manasarovar Barrack, where the prisoner was detained and also to find out what are the facilities provided to him.

Accordingly, the Member Secretary, High Court Legal Services Authority, Hyderabad is directed to visit the Central Prison, Cherlapalli and enquire about the well being of the prisoner and shall file a report before this Court as to whether the