

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL REVISION CASE No.494 OF 2024

ORDER:

This Revision is filed by the petitioner-accused aggrieved by the order of the XIV Chief Metropolitan Magistrate in CrI.M.P.No.543 of 2024 in Crime No.243 of 2024 dated 16.03.2024 in granting police custody.

2. The case of the prosecution in brief was that on 10.03.2024 at 13:45 hours, Sri D. Ramesh Babu, the Additional Superintendent of Police, Special Intelligence Branch lodged a report before the Panjagutta Police against Sri D. Praneeth Kumar @ Praneeth Rao, DSP, DCRB (Functional Verticals), Rajanna Sircilla District (the present petitioner herein) stating that being a senior member of the organization, he was well aware of the functioning of Special Intelligence Branch (SIB). SIB was a specialized organization with the Intelligence Department meant for collection of intelligence on Left Wing Extremism for the safety and security of the State. During his tenure in SIB, Sri D. Praneeth Kumar @ Praneeth Rao worked as Inspector in SIB from 2018. Later, Sri D. Praneeth Kumar got accelerated promotion as DSP in 2023. It came to his notice that Sri D. Praneeth Kumar, while working in SIB unlike other teams, occupied two rooms exclusively for himself and operated with seventeen systems issued to him with an exclusive

and dedicated leased line with internet connection through which he developed profiles of unknown persons and monitored the same clandestinely, unauthorisedly and illegally. During 2024, it came to his notice about the disappearance of records both physical and electronic from the SIB office. On enquiry, it came to light that Praneeth Kumar by misusing and abusing his official position, used to always copy intelligence information into his personal drives such as, pen drives, external disks, etc., which were in his custody illegally, most likely with the collusion of unknown persons and in order to shield his criminal acts, he resorted to erase entire information by way of dismantling the systems including external hard disks by personally supervising the process of destruction unauthorized and illegally. On the night of 04.12.2023, during the said act of dismantling and destruction of equipment containing data/information, Praneeth Kumar turned off the cameras and destroyed old hard drives which contained data, which was gathered over decades along with the data clandestinely obtained by him and to avoid any suspicion against him, he replaced the old hard drives which were destroyed with new hard drives unauthorizedly and illegally.

3. Basing on the said report, a case in Crime No.243 of 2024 was registered in Panjagutta Police Station for the offences punishable under

Sections 409, 427, 201 read with Section 34 of IPC and Section 3 of Public Property (Prevention of Damage) Act, 1985 and Sections 65, 66 and 70 of Information Technology Act, 2000-2008.

4. The petitioner-accused, Sri D. Praneeth Kumar @ Praneeth Rao was arrested on 13.03.2024. His mobile phones and laptop were seized as material evidence.

5. Subsequently, the Investigating Officer filed a requisition before the XIV Additional Chief Metropolitan Magistrate, Hyderabad seeking for police custody of the petitioner for a period of 10 days. The learned XIV Additional Chief Metropolitan Magistrate, Hyderabad granted police custody of the petitioner for a period of 07 days from 17.03.2024 to 24.03.2024 vide CrI.M.P.No.543 of 2024 dated 16.03.2024.

6. Aggrieved by the said order in granting police custody, the petitioner-accused preferred this Revision contending that no specific time for interrogation during police remand was stated by the learned Judge. The court below ought to have seen from the record that inconvenience would be caused to the petitioner as he would not have any place to sleep in the police station. The court below ought to have directed the respondent-police to recommit the petitioner to prison after interrogation on daily basis. The court

below ought to have seen from the record that the Investigating Agency/ Police Panjagutta had been selectively leaking information to press to facilitate mudslinging on petitioner. In the absence of any preventive condition, the respondents would continue selectively leaking information to press for sensationalizing the issue. The court below ought to have fixed the venue of interrogation. In absence of such direction, the respondent police were interrogating the petitioner at Banjara Hills Police Station secretly without allowing the petitioner to have access to any of his blood relatives or his counsel. The court below ought to have imposed a restraint against the respondent No.2 from participating in the interrogational process passively or actively. Per contra, the respondent No.2 was appearing to have participated in the investigation. The court below ought to have ensured a copy of impugned order to be supplied to the petitioner or his counsel free of cost on the same date, instead the same was supplied to the petitioner only one day prior to his filing the petition. The court below ought to have granted the custody from 18.03.2024 instead from the very next day of allowing the petition i.e., from 17.03.2024, being a Sunday. The court below ought to have imposed conditions on respondent-police in terms of law laid down in case of **DK Basu Vs. State of West Bengal**¹. The court below ought to have strictly mandated the respondent-police to follow all such conditions

¹ AIR 1997 SC 610

enumerated in the judgment rendered by the Hon'ble Apex Court in **Paramjit Singh Saini Vs. Baljit Singh and Ors.**², without incorporating them separately in the order. The court below ought to have fixed a time instead of vaguely restraining the respondents from interrogating from 8:00 PM to 8:00 AM and ought to have followed the conditions in the orders of this Court in the case of **Bandekar Vishwanath Rao** in Crl.R.C.No.165 of 2022.

7. Heard Sri Gundra Mohan Rao, the learned senior counsel appearing on behalf of Sri Rajender Rao, the learned counsel for the petitioner on record and Sri Palle Nageshwar Rao, the learned Public Prosecutor representing respondents 1 and 2.

8. The learned senior counsel for the petitioner though filed this revision aggrieved by the orders of the learned XIV Additional Chief Metropolitan Magistrate in granting police custody to the petitioner-accused restricted his arguments to certain points raised by him and for relaxing some of the conditions ordered by the learned XIV Additional Chief Metropolitan Magistrate while granting police custody. His main objections were with regard to the complainant participating in the interrogation, leaking the information selectively to the press, interrogation timings to be limited to the

² (2021) SCC 184

office hours and to submit the petitioner to medical checkup once in 48 hours.

9. The learned Public Prosecutor contended that the authorities were giving proper facilities to the petitioner-accused on par with any other citizens/accused in other crimes. Nothing more or nothing less were provided to the petitioner-accused. He further contended that only on 13.03.2024, when the petitioner-accused was arrested, the Deputy commissioner of Police, West Zone had given press note. Otherwise, the Investigating Officer or any police officers were not conducting any press conference or leaking any information to press. The media was creating their own stories and giving their own versions according to their whims and fancies. He further contended that the brother-in-law of the petitioner, by name, Sri Anudeep was one of his counsel and the petitioner-accused was given access to his counsel. He was interacting with them and he was also speaking to his old-aged parents through the phone of his counsel as and when he requested. He further submitted that respondent No.2, the Additional Superintendent of Police, Special Intelligence Branch was neither involved in the interrogation nor interviewed the petitioner-accused and further submitted that all the conditions imposed by the court below were

being followed strictly without any deviations and prayed to dismiss the petition.

10. Perused the record.

11. Considering the facts and circumstances of the case and the allegations against the petitioner-accused found in the complaint as well as in the remand report that he was abusing his official position and involved in developing profiles of unknown persons and monitoring them clandestinely and that he prepared several profiles of political rivals of B.R.S. party with the help of a technological tool provided by M/s. Convergence Innovation Labs, Hyderabad and during the general elections, monitored several phones of supporters of contested candidates of opposition parties and those who financially supported such candidates and passed on the information about transportation of money of the parties leaders, supporters to the district police and got such cash seized and shown as hawala money with an intention to avoid criticism by Election Commission and political parties and on completion of assembly elections stopped surveillance over the targets and removed hard disks from 17 computer systems and replaced with new hard drives and damaged the old hard drives which contained data gathered over decades, this Court does not find any illegality or irregularity in the order of

the trial court in granting police custody of the petitioner from 17.03.2024 to 24.03.2024.

12. The trial court while granting police custody had also taken several precautions and imposed conditions that:

1. The petitioner shall not be subject to any ill treatment or third degree methods in the police custody.
2. The petitioner shall allow the presence of counsel of accused if he is willing to be enquired in his presence.
3. The police are directed to get the medical examination of the accused and produce the medical certificate at the time of producing the accused before the court.
4. The police are directed not to interrogate the accused after 8:00 PM till 08:00 AM.
5. The entire interrogation of the accused must be recorded under the audio and video recording as per the guidelines of the Hon'ble Apex Court in **Paramjit Singh Saini Vs. Baljit Singh and Ors.**(2 supra).

13. Considering the same, this Court does not find any need to interfere with the orders of the trial court in this regard, but however, as the learned senior counsel for the petitioner contended that the complainant was also

participating in the interrogation which was denied by the learned Public Prosecutor, it is considered fit to give a direction to the Investigating Officer not to involve the complainant in the team which was constituted for interrogation of the petitioner-accused. As per the direction of the Hon'ble Apex Court in **DK Basu Vs. State of West Bengal** (1supra), it is also considered fit to give a direction to the Investigating Officer to subject the petitioner-accused to medical examination for every 48 hours during his detention in custody by an approved doctor.

14. This Court does not need any necessity to interfere with the interrogation timings or with regard to other aspects as contended by the learned senior counsel, as all precautions were taken by the trial court while granting police custody stating that the petitioner-accused shall not be subjected to any third degree methods and that he should be given access to his counsel and that the entire interrogation shall be recorded under the audio and video recordings. As such, this Court does not find any merit in the contention of the learned senior counsel and any illegality or irregularity in the order of the trial court to interfere with the same.

15. In the result, the Criminal Revision Case is dismissed, confirming the orders dated 16.03.2024 passed in Crl.M.P.No.543 of 2024 in Crime No.243

of 2024 of Panjagutta Police Station, Hyderabad. However, the Investigating Officer is directed not to involve the complainant in the team which was constituted for interrogation of the petitioner-accused and to subject the petitioner-accused to medical examination for every 48 hours during his detention in custody by an approved doctor, as per the judgment of the Hon'ble Apex Court in **DK Basu Vs. State of West Bengal** (1 supra).

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date:21.03.2024
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