

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

I.A. No. /2020

IN

WP(CRL) No.348/2020

In the matter of:

G. S. Mani.

... Petitioner

Versus

Union of India &Ors.

... Respondents

AND IN THE MATTER OF

The Secretary,
Commission of Inquiry,
Constituted by the Supreme Court in
WP(Crl) No.348/2020
Office at
2nd Floor, 'C' Block,
High Court Buildings,
Hyderabad – 500066

... Applicant

Application for Extension of Time

To the Hon'ble Chief Justice of India
And the Hon'ble Judges of
The Supreme Court of India

The Humble Application of the
Applicant Above-named

Most Respectfully Showeth:

1. The present Writ Petition was filed in the aftermath of an alleged incident resulting in the death of four persons on 6th December,

2019 in Hyderabad, namely, Mohammed Arif, ChintakuntaChennakeshavulu, Jolu Shiva and JolluNaveen, who were arrested in connection with the rape and murder of a young veterinary lady doctor, while they were in the custody of police.

2. This Hon'ble Court by order dated 12.12.2019, was pleased to constitute an Inquiry Commission for inquiring into the circumstances in which the four accused persons, namely, Mohammed Arif, ChintakuntaChennakeshavulu, Jolu Shiva and Jollu Naveen, were killed in Hyderabad on 6th December 2019. The Inquiry Commission shall be headed by Mr. Justice V.S. Sirpurkar (Retd.), a former Judge of this Court, as Chairman and shall comprise of Ms. R.P. Sondurbaldota, a former Judge of the Bombay High Court, and Mr. D.R. Kaarthikeyan, former Director of the Central Bureau of Investigation as its Members. This Hon'ble Court was further pleased to gran a period of six months for completion of Inquiry from the first sitting of the Commission.

A true copy of order dated 12.12.2019 in WP(Crl) No.348/2020 passed by this Hon'ble Court is annexed herewith and marked as ANNEXURE A-1 (pages 11 to 16).

3. It is submitted that in accordance with the order dated 12.12.2019, the Hon'ble High Court of Telangana accorded permission to provide accommodation to the Chairman, Members and Secretary of the Inquiry Commission in the Second Floor of the 'C' Block of the High Court Buildings. A true copy of Letter dated 28.12.2019 addressed to the Chief Secretary, Government of Telangana by the Registrar General of the Hon'ble High Court of Telangana is

3

annexed herewith and marked as ANNEXURE A-2 (pages 17).

4. It is submitted that the Government of Telangana issued Government Order being G.O. Ms. No.1 dated 08.01.2020 according sanction for the creation of 19 temporary posts for a period of six months in the office of the Inquiry Commission. This included one Secretary (in the cadre of District Judge), one nodal officer to attend to protocol duties etc. A true copy of G.O. Ms. No.1 dated 08.01.2020 issued by the Government of Telangana is annexed herewith and marked as ANNEXURE A-3 (pages 18 to).
5. It is submitted that this Hon'ble Court thereafter was pleased to frame the Terms of Reference of the Inquiry Commission *vide* order dated 10.01.2020. The following Terms of Reference were accordingly framed:

“(1) To inquire into the alleged incident resulting in the death of four persons on 6th December, 2019 in Hyderabad, namely, Mohammed Arif, ChintakuntaChennakeshavulu, Jolu Shiva and Jollu Naveen, who were arrested in connection with the rape and murder of a young veterinary lady doctor, while they were in the custody of police.

(2) To inquire into the circumstances that led to the death of afore-mentioned four persons and to ascertain as to whether any offence appears to have been committed in the course. If yes, to fix the responsibility of erring officials.”

A true copy of order dated 10.01.2020 in WP(Crl) No.348/2020 passed by this Hon'ble Court is annexed herewith and marked as ANNEXURE A-4(pages 19 to 21).

6. It is submitted that the Hon'ble High Court of Telangana issued order dated 27.01.2020 on the administrative side, placing the services of Sri S. Sasidhar Reddy, Director, Telangana State Judicial Academy, Secunderabad, at the disposal of the Inquiry Commission. A true copy of order dated 27.01.2020 issued by the Hon'ble High Court for the State of Telangana at Hyderabad is annexed herewith and marked as ANNEXURE A-5(pages 22 to 23).
7. It is submitted that after the settlement of the terms of reference and after the appointment of the Secretary, the Inquiry Commission held its first sitting at Hyderabad on 03.02.2020. The Commission issued public notice dated 05.02.2020 in the Telugu Newspapers Sakshi and Namaste Telangan, Urdu Newspaper Siasat, English news paper Times of India and the Hindi Newspaper DainikJagran inviting all persons acquainted with the matter of Inquiry, to furnish to the Commission, their respective affidavits setting out facts in their knowledge. A true copy of public notice dated 05.02.2020 published in the Times of India is annexed herewith and marked as ANNEXURE A-6(pages 24 to _____).
8. It is submitted that in response to the aforesaid public notice 1365 affidavits were filed by various persons including the police personnel involved in the incident and the family members of three of the deceased persons. The Affidavits of the relatives of three of the deceased persons were received on 05.03.2020. The affidavits of the police personnel involved in the incident were received only on 15.06.2020. It is pertinent to note that the State of Telangana has not filed any affidavit in response to the public notice. Almost all of these 1365 affidavits and theirs supporting documents were in

Telugu. The said records were translated into English with the assistance of translators and the same were verified and collated by the Secretary and staff of the Commission.

9. It is submitted that the relevant records such as the record of the NHRC investigation team, the record of SIT investigation, etc., Post Mortem reports, meteorological reports of relevant date, have been collected. The records of the NHRC Investigation team were received on 21.02.2020. The records of the SIT in Cr No.803 of 2019 were received on 25.02.2020. The records of the investigation in Cr No 784 of 2019 (Disha Rape and Murder case) were received on 25.02.2020. The reports of the Second Postmortem examination conducted as per the directions of the Hon'ble High Court for the State of Telangana Dt 21.12.2019 in Writ Petition (PIL) No. 173 of 2019, were received on 10.06.2020. Most of these records were in Telugu. The said records were translated into English with the assistance of translators and the same were verified and collated by the Secretary and staff of the Commission.
10. It is submitted that the COVID-19 virus situation had been declared to be a pandemic by the World Health Organisation in the month of March, 2020 and the Union Government decided to impose a nation-wide lockdown on 25.03.2020.
11. It is submitted that the Inquiry Commission proposed to sit for hearings on 23.03.2020 and 24.03.2020 at Hyderabad. However, due to the prevailing pandemic situation and the Janata Curfew notified by the Government of India, the Inquiry Commission was constrained to suspend the aforementioned sittings. Accordingly, a press note was issued by the Inquiry Commission, through its

Secretary to this effect. A true copy of Press Note dated 17.03.2020 issued by the Secretary, Inquiry Commission, is annexed herewith and marked as ANNEXURE A-7(pages 25 to 26).

12. It is submitted that the Hon'ble High Court for the State of Telangana, thereafter, issued order dated 27.03.2020 suspending all regular judicial and administrative work of the High Court as well as the subordinate judiciary until 14.04.2020. A true copy of orders dated 27.03.2020 issued by the Hon'ble High Court for the State of Telangana at Hyderabad is annexed herewith and marked as ANNEXURE A-8(colly.)(pages 27 to 32).

13. It is submitted that these circumstances hindered the sittings of the Inquiry Commission as the three members of the Commission reside in different cities and the place of enquiry is in a wholly different city as well. However, the commissions work was not completely halted by the pandemic. As narrated above the collection of records and documents as well as statements of persons acquainted with the incident went on despite the pandemic situation. The records were translated and collated by the Secretary and Staff of the Commission. Copies of relevant records were also submitted to the Members of the Commission at their respective places of residence.

14. It is submitted that the Commission explored the possibility and viability of conducting online hearings and sittings to complete the report expeditiously. However, the hearings of the inquiry Commission would invariably require recording of evidence of witnesses as well as participation of Advocates, which presents

7

difficulties of security and confidentiality. Moreover, the inquiry requires physical inspection of the scene of incident and other related locations, which is also not possible in a virtual hearing. Conducting inquiry without physical hearings, spot inspections and so on does not appear to be feasible.

15. It is submitted that the Government of India has extended the lock down from time to time, severely affecting the inter-state movement. Though the lock down restrictions have been relaxed now, the situation in Hyderabad has further deteriorated. Several persons working in the premises allocated to the Commission were found to be Covid Positive. There are no other premises available for the commission to hold hearings. Travel between states is still not feasible because of the increasing rates of infections. Even though the work of the Commission is continuing, the same could not be completed because of the prevailing pandemic situation.
16. It is submitted that the first sitting of the Commission was on 03.02.2020. The six months period stipulated by the Hon'ble Supreme Court ends on 03.08.2020. The Government of Telangana issued order being G.O. Ms. No.43 dated 06.07.2020 further continuing the 19 sanctioned posts in the office of the Inquiry Commission for a period of six months from 08.07.2020 or till the work of the Commission is completed, whichever is earlier. A true copy of G.O. Ms. No.43 dated 06.07.2020 issued by the Government of Telangana is annexed herewith and marked as ANNEXURE A-9 (pages 33 to _____).
17. In view of the circumstances narrated above which are beyond the control of the Commission, the Inquiry Commission has not been

able to conduct proceedings in accordance with the Terms of Reference. Therefore, the Inquiry Commission is constrained to apply to this Hon'ble Court for an extension of time of six months from the date the Commission is able to function with physical hearings, spot inspections etc., to submit its final report.

18. This application is made in the interests of justice.

Prayer

It is stated that keeping in view the facts stated herein above it is humbly prayed that this Hon'ble Court may be please to:-

- a. Grant an extension of six months to the Inquiry Commission from the date the Commission is able to function with open hearings, spot inspections etc.,to submit its final report in accordance with the Terms of Reference;
- b. Direct the Government of Telangana to issue appropriate orders to enable the continued functioning of the Inquiry Commission;
- c. Pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE APPLICANTS AS IN DUTY BOUND SHALL EVER PRAY.

Filed By

K. Parameshwar

Advocate for the Inquiry Commission

Filed on: 15.07.2020

Place: New Delhi