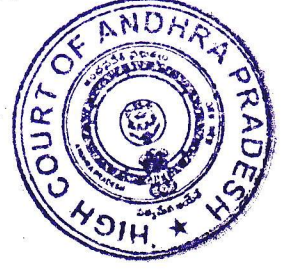




IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)



WEDNESDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

WRIT PETITION NO: 15778 OF 2020

Between:

Kovvuru Palakondaiah, S/o Narasaiah, Aged about 59 years, Occ Cooli,
R/o. Door No.19/14-3, SC colony, Pathakadnpa, Kadapa District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary,
Department of Home, Secretariat Buildings, Velagapudi, Guntur District.
2. The Superintendent of police, Kadapa District, Kadapa.
3. The Station House Officer, Chinna Chouk Police Station, Chinna
Chouk, Kadapa District.
4. Kovvuri Kavitha, W/o Subba Rayudu, Aged about 30 years, Occ
housewife, Jangampalli SC colony, Kamalapuram mandal, Kadapa
District.
5. Ravarapu Anil Kumar, S/o Venkata Ramana, Aged about 35 years, Occ
Driver in Forest Department, R/o. Kadapa.

...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 a writ, order or direction more particularly one in nature of
Writ of Mandamus, declaring the postmortem certificated obtained by the 3rd

respondent is not valid and register a crime by number Cr.No.233 of 2020 under section 306 of IPC instead of 302 of IPC, basing on the postmortem report, without basing on given by the petitioner dated 05-07-2020 is as illegal, arbitrary, unjust and contrary to the fundamental constitution and consequently direct the 3rd respondent to conduct repostmortem of the deceased body a fresh in the above crime and conduct a fresh investigation or in the alternative direct the 3rd respondent to handover the investigation to the CID department.

IA NO: 1 OF 2020

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 not to file a final report pending disposal of the writ, and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: SRI N V R AMARNATH

Counsel for the Respondent Nos.1 to 3: GP FOR HOME

Counsel for the Respondent Nos.4 & 5: NONE APPEARED

The Court made the following order:



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

WEDNESDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

WRIT PETITION NO: 15778/2020

Between:

1. KOVVURU PALAKONDAIAH, S/O NARASIAH, AGED ABOUT 59 YEARS, OCC COOLI, R/O. DOOR NO.19/14-3, SC COLONY, PATHAKADNPA, KADAPA DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF HOME, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.

2. THE SUPERINTENDENT OF POLICE, , KADAPA DISTRICT, KADAPA.

3. THE STATION HOUSE OFFICER, CHINNA CHOUK POLICE STATION, CHINNA CHOUK, KADAPA DISTRICT.

4. KOVVURI KAVITHA, W/O SUBBA RAYUDU, AGED ABOUT 30 YEARS, OCC HOUSEWIFE, JANGAMPALLI SC COLONY, KAMALAPURAM MANDAL, KADAPA DISTRICT.

5. RAVARAPU ANIL KUMAR, , S/O VENKATA RAMANA, AGED ABOUT 35 YEARS, OCC DRIVER IN FOREST DEPARTMENT, R/O. KADAPA.

...RESPONDENT(S):

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 a writ, order or direction more particularly one in nature of Writ of Mandamus, declaring the postmortem certificated obtained

by the 3rd respondent is not valid and register a crime by number Cr.No.233 of 2020 under section 306 of IPC instead of 302 of IPC, basing on the postmortem report, without basing on given by the petitioner dated 05-07-2020 is as illegal, arbitrary, unjust and contrary to the fundamental constitution and consequently direct the 3rd respondent to conduct repostmortem of the deceased body a fresh in the above crime and conduct a fresh investigation or in the alternative direct the 3rd respondent to handover the investigation to the CID department and pass

IA NO: 1 OF 2020

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 not to file a final report pending disposal of the writ, and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner:

1.N V R AMARNATH

Counsel for the Respondent(S):

1.GP FOR HOME

The Court made the following:
ORDER:

This Writ Petition is filed under Article 226 of Constitution of India with the following prayer for:

“...to issue a writ, order or direction more particularly one in nature of Writ of Mandamus, declaring the postmortem certificated obtained by the 3rd respondent is not valid and register a crime by number Cr.No.233 of 2020 under section 306 of IPC instead of 302 of IPC, basing on the postmortem report, without basing on given by the petitioner dated 05-07-2020 is as illegal, arbitrary, unjust and contrary to the fundamental constitution and consequently direct the 3rd respondent to conduct repostmortem of the deceased body a fresh in the above crime and conduct a fresh investigation or in the alternative direct the 3rd respondent to handover the investigation to the CID department and pass.....”

2. Heard Sri NVR Amaranth, learned Counsel for the petitioner and Sri V.Farooq, learned Assistant Government Pleader for Home for the respondents.
3. Learned counsel for the petitioner would submit that the postmortem report relating to Cr.No.233 of 2020 is invalid and a direction may be given to the 3rd respondent to conduct re-postmortem of the deceased body.
4. Learned Assistant Government Pleader on written instructions would submit that charge sheet is filed in this matter and the S.C.No.1 of 2021 is pending for trial.
5. For ready reference, it is beneficial to extract the relevant portion from the written instructions below:

"It is further submitted that, the IO filed the charge sheet before the Hon'ble Additional Assistant Sessions Judge, Kadapa vide S.C.No.1 of 2021, and the said case is pending for trial.

6. In the light of the submissions made, this writ petition is disposed of. However, the petitioner is at liberty to workout his remedy before the appropriate forum according to law.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

Sd/- SHAIK MOHD. RAFI
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Department of Home, Secretariat Buildings, Velagapudi, Guntur District.
2. The Superintendent of police, Kadapa District, Kadapa.
3. The Station House Officer, Chinna Chouk Police Station, Chinna Chouk, Kadapa District.
4. One CC to Sri. N V R Amarnath, Advocate [OPUC]
5. Two CCs to GP For Home, High Court of Andhra Pradesh [OUT]
6. Two CD Copies.

AL

HIGH COURT

DATED:06/08/2025



ORDER

WP NO. 15778 OF 2020

DISPOSING OF THE W.P. WITHOUT COSTS