

HIGH COURT OF ANDHRA PRADESH::AT AMARAVATI

MAIN CASE No: CrI.A. No.691 of 2024

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
4.	06.08.2025	<u>KSR,J & SRS,J</u> (Per Hon'ble Sri Justice Subba Reddy Satti) <u>I.A.No.2 of 2025</u> This application is filed to amend the name of the jail as 'Central Prison, Kadapa', instead of 'District Jail, Kadapa' as mentioned in I.A.No.1 of 2025. For the reasons mentioned in the accompanying affidavit, this application is allowed. <u>I.A.No.1 of 2025</u> This application is filed by the 2nd appellant/A.3 under Section 482 Cr.P.C (Section 528 of BNSS, 2023) seeking a direction to the Jail Authorities of Central Prison, Kadapa, to respect the religious rights and beliefs of the petitioner in respect of cutting hair and not to force him to get hair cut. 2. Heard Sri A.Eswara Sai, learned counsel representing Smt C.Vasundara Reddy, learned counsel for the petitioner and Sri M.Venkata Ramana, learned Additional Public Prosecutor representing the respondent-State. 3. Learned counsel for the petitioner would submit that the petitioner is a Brahmin and was rendering the duties of 'Poojari' in a temple. For the past 18 years, he has kept his hair uncut due to his religious beliefs.	Contd..,

		The petitioner/A.2 was found guilty of the offences under Sections. 148, 302 read with 120-B, 302 read with 149 IPC and Section 25(1B) (b) of Arms Act and sentenced to undergo three years rigours imprisonment and to pay fine of Rs.5000/-, in default, to undergo suffer simple imprisonment for one month for the offence under Section 148 IPC; further sentenced to undergo 'LIFE' imprisonment and to pay fine of Rs.10,000/-, in default, to undergo simple imprisonment for three months for the offence under Section 302 read with 120-B IPC; further sentenced to undergo 'LIFE' imprisonment and to pay fine of Rs.10,000/-, in default, to undergo simple imprisonment for three months for the offence under Section 302 read with 149 IPC and further sentenced to undergo three years rigorous imprisonment and to pay fine of Rs.5000/-, in default, to undergo simple imprisonment for one month for the offence under Section 25(1B) (b) of Arms Act. 4. Learned counsel for the petitioner would submit that as per Rule 256 of Andhra Pradesh Prison Rules, the Jail Authorities shall not insist that the petitioner cut hair. 5. In this connection, it is relevant to mention Rule 256 of the Andhra Pradesh Prison Rules, which reads as follows:- <i>“256. (1) Every male prisoner sentenced to rigorous imprisonment for a longer term than one month shall, on final</i>	
			Contd..,

		<i>confirmation of the sentence, or expiry of the period of appeal without an appeal having been preferred (provided the unexpired term of such prisoner's sentence at that time exceeds one month), have the hair of his head cut or trimmed only to such an extent and at such times, as may be necessary for the purposes of health and cleanliness , unless he desires that it should be cut shorter.</i> <i>(2) Hindus shall be allowed to retain the tuft or top knot, the size of which shall be 15 cm. long and 7.5 cm. in diameter as nearly as possible. The beard and moustaches of all such prisoners shall be either shaved or clipped closely, the beard of Muslims being left 2.5 cm. in length. The Sikhs shall not have their hair cut or removed in anyway except on purely medical grounds on the written orders of the Medical Officer. Any prisoner abusing this concession or whose conduct is unsatisfactory shall be deprived of the same for such period as the Superintendent deems fit."</i>	
		6. Learned counsel for the petitioner also relied upon the Judgment of the Single Judge of the Madras High Court in W.P.No.(MD) No.21259 of 2024, dated 12.09.2024.	Contd..,

Sri Marri Venkata Ramana, learned Additional Public Prosecutor, fairly conceded the above legal position.

7. A plain reading of Rule 256 (1) and (2), makes it clear, pending appeal, the Jail Authorities shall not insist that the convict shall cut the hair. However, the petitioner shall retain tuft or top knot hair, and the petitioner should also ensure hygienic conditions without causing inconvenience to the inmates.

8. In that view of the matter and given the above facts and circumstances, I.A.No.1 of 2025 is allowed.

K.SURESH REDDY,J

SUBBA REDDY SATTI,J

SAB / TSNR