

[3547]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

WEDNESDAY, THE SIXTH DAY OF AUGUST

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE K SURESH REDDY
AND

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

IA No. 1 OF 2025

IN

CRLA NO: 691 OF 2024

Between:

Boya sake Ramesh, S/o Late Mallobulesu, Aged 37 years, D.No 2-92B,
Kandukuru village, Ananthapuramu Rural Mandal, Ananthapuramu.

...Petitioner/Appellant No.2/Accused No.3

AND

The State of Andhra Pradesh, Rep.by its Public Prosecutor at High
Court, Amaravathi.

...Respondent

Petition under Section 528 of BNSS, 2023 and Under Section 482 of Cr.P.C is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the jail authorities of Central Jail, Kadapa to respect the religious rights and beliefs of the Petitioner / Appellant No.2 in respect of un-cutting his hair and not to force him to get hair cut in the interest of justice, equity and good conscience or else the Petitioner/Appellant No.2 will be subjected to severe hardship as his long practice of un-cutting his hair as an offering to Lord Siva would be disrupted, Pending disposal of CRLA No. 691 of 2024, on the file of the High Court.

Note: In place of "District Jail, Kadapa", "Central Jail, Kadapa" is amended as per the Court's order dated 06.08.2025 in IA.No.2 of 2025 in CRLA No.691 of 2024

Counsel for the Petitioner :Smt. C. VASUNDHARA REDDY

Counsel for the Respondent :PUBLIC PROSECUTOR

The Court made the following ORDER

"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.

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:-

"256. (1) Every male prisoner sentenced to rigorous imprisonment for a longer term than one month shall, on final 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.

(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."

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.

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.”

SD/- K. SRINIVASA RAJU

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal District and Sessions Judge, Ananthapuram.
2. The Superintendent, Central Prison, Kadapa.
3. One CC to Smt. C. VASUNDHARA REDDY Advocate [OPUC]
4. Two CCs to Public Prosecutor (AP) High Court of A.P., Amaravati [OUT].
5. One spare copy

HIGH COURT

KSR,J

&

SRS,J

DATED:06/08/2025

ORDER

IA.NO.1 OF 2025

IN

CRLA.No.691 of 2024

IA.NO.1 OF 2025 IS ALLOWED

