



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

[3396]

**FRIDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE
PRESENT**

**THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA
WRIT PETITION NO: 34103/2025**

Between:

1. PINNELLI PEDDA HANIMIREDDY, S/O PEDDA PAKEERA REDDY
AGED ABOUT 75 YEARS, OCC AGRICULTURALIST R/O 2-107,
KANDLAKUNTA, VELDURTHY MNADAL PALNADU DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, HOME DEPARTMENT SECRETARIAT BUILDING,
VELGAPUDI, AMARAVATHI.
2. THE SUPERINTENDENT OF POLICE, PALNADU DISTRICT.
3. THE DEPUTY SUPERINTENDENT OF POLICE, GURAZALA SUB
DIVISION, PALNADU DISTRICT.
4. THE STATION HOUSE OFFICER, MACHERLA RURAL POLICE
STATION PALNADU DISTRICT
5. THE SUB INSPECTOR OF POLICE, VELDURTHY POLICE
STATION PALNADU DISTRICT.

...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 an appropriate Writ, Order, or Direction, more particularly a Writ of Mandamus, directing Respondent Nos. 2 to 5 to conduct the investigation involving the petitioner's son, Sri Pinnelli Venkat Reddy in the presence of an advocate of his choice, and to ensure that the entire process is duly recorded through audio video electronic means, in connection with Crime No. 40 of 2025, dated 24.05.2025, on the file of Veldurthy Police Station and further direct the respondents to strictly adhere to the constitutional safeguards and the guidelines laid down by the Hon'ble Supreme Court, including protection from coercion, harassment, or any form of third-degree methods during such proceedings and to pass

Counsel for the Petitioner:

1. RAMALAKSHMANA REDDY SANEPALLI

Counsel for the Respondent(S):

1. GP FOR HOME

The Court made the following:

ORDER:

This Writ Petition under Article 226 of the Constitution of India, has been filed, by the Petitioner for the following relief:

" ... to issue an appropriate Writ, Order, or Direction, more particularly a Writ of Mandamus, directing Respondents 2 to 5 to conduct the investigation involving the petitioner's son, Sri Pinnelli Venkat Reddy in the presence of an advocate of his choice, and to ensure that the entire process is duly recorded through audio video electronic means, in connection with Crime No.40 of 2025, dated 24.05.2025, on the file of Veldurthy Police Station and further direct the respondents to strictly adhere to the constitutional safeguards and the guidelines laid down by the Hon'ble Supreme Court, including protection from coercion, harassment, or any form of third-degree methods during such proceedings and to pass ..."

2. Heard Sri S.Rama Lakshman Reddy, learned counsel for the Petitioner and Smt. A.Jayanthi, learned Government Pleader for Home representing the State. Perused the material on record.

3. Learned counsel for the Petitioner would submit that this petition is filed by the Petitioner who is the father of one Pinnelli Venkata Reddy, who was shown as Accused No.8 in Crime No.40 of 2025 on the file of the Veldurthy Police Station, registered for the offences punishable under Sections 61(2) and 103(1) read with 3(5) of BNS, 2023. Petitioner is seeking a direction to respondents 2 to 4 to examine his son i.e., A.8 referred above, in connection with Crime No.40 of 2025 in the presence of an Advocate of his choice and record the same through Audio Video Electronic means.

4. Learned counsel for the Petitioner would further submit that A.8 was arrayed as an Accused basing on the alleged confessional statements of A.1 to A.5. Accused No.8 voluntarily surrendered before the Court of I Additional

Judicial First Class Magistrate, Macherla on 01.12.2025 and he was sent to judicial remand and lodged in Sub-Jail, Guntur.

5. Learned counsel would submit that respondent No.4 herein filed an application before the Court under Section 187(2) of BNSS, 2023 seeking Police custody of Petitioner's son i.e, Accused No.8 for a period of five days. Learned counsel further submits that in view of political rivalry, there is a possibility of apprehension of applying third degree methods, or forced confessions during police custody. Learned counsel would finally submit that to consider his plea to the extent of permitting the Advocate to accompany Accused No.8 throughout the process of interrogation during the police custody to safeguard the fundamental rights under Articles 21 and 22 of the Constitution of India and the guidelines laid down by the Hon'ble Supreme Court in **D.K.Basu V. State of West Bengal**¹. Learned counsel placed reliance on the Order dated 17.04.2025 passed by a Coordinate Bench of this Court in WP No.9861 of 2025.

6. Learned Government Pleader for Home would submit that in the light of gravity and the nature of the crime, appropriate directions may be issued directing the Advocate to sit in a reasonable distance and shall not interfere with the process of recording the statement of the Accused No.8.

7. Considering the submissions made, and on perusal of the material on record, in the light of the apprehension expressed by the Petitioner, who is the

¹. AIR 1997 SUPREME COURT 610

father of Accused No.8, to avoid conflicting decisions, it is apposite to dispose of the present Writ Petition with the following observations:

- 1) It is represented that the Petition filed for Police Custody of A.8 is pending for consideration before the Court and adjourned to 08.12.2025.
- 2) Learned counsel on behalf of Accused No.8 reported no objection to consider the Police Custody of A.8.
- 3) The learned Magistrate, while considering the plea of Police custody, apart from other conditions to safeguard the rights of the Accused, permit the Police to interrogate the Accused No.8 in the presence of his counsel at the choice of the individual all through, who can sit at a distance of minimum 10 feet from the place of recording the statement of Accused No.8. The said counsel accompanying Accused No.8 shall not interfere in the process of investigation.

In the light of the observations made *supra*, this Writ Petition is disposed of. Registry is directed to communicate the order to the Court of Additional Civil Judge (Junior Division)-cum- I Additional Judicial Magistrate of First Class, Macherla, forthwith. No order as to costs.

Pending applications, if any, shall stand closed.

DR.JUSTICE VENKATA JYOTHIRMAI PRATAPA

*Mjl/**
05.12.2025

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Writ Petition No. 34103 of 2025

05.12.2025

*Mjl /**