

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

WEDNESDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

**:PRESENT:
THE HON'BLE SRI JUSTICE K.LAKSHMAN
AND
THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY**

**REFERRED TRIAL NO: 3 OF 2024
AND
CRL.A. NO. 120 OF 2024**

REFERRED TRIAL NO. 3 OF 2024:

Between:

The State of Telangana, Rep. by Public Prosecutor, High Court for the State of Telangana, Hyderabad, through the Police Station, Narayanaguda, Hyderabad.

Petitioner/Complainant

AND

Ragula Sai @ Nagula Sai, S/o. Kanakaiah, Occ: Band Player, R/o. C/o. MCH Market Footpath, Babu Nagar, Chikkadpally, Hyderabad.

Respondent/Accused No.1

Petition under Section 407 of B.N.S.S., through letter vide Dis. No.1945/II/ASJ/HYD of 2024, dated 20-12-2024 from the II Additional Sessions Judge, Hyderabad, praying the High Court to confirm the death sentence awarded vide Judgment dated 20.12.2024 against the Accused No.1 by the II Additional Sessions Judge, Hyderabad in S.C.No.540 of 2023 under Section 302 r/w 34 IPC.

Counsel for the Petitioner : DR. S.PRASHANTH, ASST. PUBLIC PROSECUTOR

**Counsel for Respondent : SMT. C.VASUNDHARA REDDY, Amicus Curiae
(not present)**

CRL.A. NO. 120 OF 2024:

BETWEEN:

Ragula Sai @ Nagula Sai, S/o. Kanakaiah, Aged about 29 years, Occ: Band Player, R/o. C/o. MCH Market Footpath, Babu Nagar, Chikkadpally, Hyderabad.

Appellant

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.

Respondent

Appeal under Section 415 (2) of BNSS, praying that in the circumstances stated in the grounds filed therein, the High Court may be pleased to suspend the execution of the sentence of death by hanging passed by the II Additional Sessions Judge, Hyderabad, in SC. No. 540 of 2023;

**Counsel for the Appellant : MS. MADHAVI, representing
SRI S.NAGESH REDDY**

Counsel for Respondent : DR. S.PRASHANTH, Asst. Public Prosecutor

The Court made the following.

ORDER:

Heard Ms. Madhavi, learned counsel representing Mr. S. Nagesh Reddy, learned counsel for the appellant - accused and Dr. S. Prashanth, learned Assistant Public Prosecutor appearing for the respondent - State.

Having regard to the guidelines issued by the Apex Court, vide order dated 19.9.2022 in Suo Motu Writ Petition (Crl.) No.1 of 2022 [In re: Framing Guidelines Regarding Potential Litigating Circumstances to be Considered While Imposing Death Sentences [2022 SCC OnLine SC 2153], we are inclined to appoint Ms. Devika Rawat, who is associated with the Square Circle Clinic, NALSAR University of Law, Hyderabad, as a Mitigator.

Accordingly, Ms. Devika Rawat is appointed as Mitigator to assess the conduct and behavior of accused No.1, who is in Central Prison, Cherlapally, Medchal - Malkajgiri District, Telangana State, and also to carry out his psychological evaluation with the following directions:

- i. She shall have access to accused No.1 for the purpose of conducting in person interviews and collecting information to assess the mitigating circumstances. The Superintendent of Central Prison, Cherlapally shall ensure that such access is granted.**
- ii. She shall also have access to the records pertaining to the mental health, conduct, education, employment etc., of accused No.1 or any other document which would indicate mitigating factors.**

- iii. She is permitted to use audio devices to record the interviews.
- iv. She is at liberty to take assistance of any person capable of translating the statements made by the accused No.1 during the interview. Needless to say, the Superintendent of Central Prison, Cherlapally, shall permit such translator to accompany Ms. Devika Rawat.
- v. To ensure privacy and confidentiality, the Superintendent of Central Prison, Cherlapally, is directed to provide a separate interviewing space to Ms. Devika Rawat.
- vi. For the purpose of safety and protection of Ms. Devika Rawat, a prison or jail official shall be deployed within an earshot distance of the interviewing space.
- vii. The Superintendent of Central Prison, Cherlapally, shall ensure that the interviews are videographed.
- viii. Ms. Devika Rawat is directed to submit the mitigating investigating report within a period of two (02) weeks from the date of receipt of copy of this order. The said report shall be filed through the Registrar (Judicial-I) of this Court.
- ix. The State shall pay an amount of Rs.25,000/- (Rupees Twenty Five Thousand Only) to Ms. Devika Rawat towards expenses.

In addition to the above directions, we also direct the concerned authorities the following directions:

- i. The respondent - State shall file the report of the Probation Officers relating to accused No.1 within a period of two (02) weeks from the date of receipt of copy of this order;
- ii. The Superintendent of Central Prison, Cherlapally, Medchal - Malkajgiri District, Telangana State, shall submit a report regarding the work, if any, done by accused No.1 while in jail and also submit a report regarding his conduct and behavior while in jail within a period of two (02) weeks from the date of receipt of copy of this order;

- iii. The Superintendent/Professor of Psychiatry, Institute of Mental Health, Erragadda, Hyderabad, shall constitute a suitable team for the purpose of carrying out a psychological evaluation of accused No.1. The report of the evaluation shall be submitted to this Court through the Public Prosecutor, High Court for the State of Telangana, within a period of two (02) weeks;
- iv. The Registrar (Judicial-I) of this Court is directed to transmit a copy of this order to learned Public Prosecutor, High Court for the State of Telangana, who shall, in turn, ensure that this order is communicated to the concerned Authorities and Ms. Devika Rawat, The Square Circle Clinic, NALSAR University of Law 503, 5th Floor, ABW RECTANGLE 1, D4, SAKET District Centre, New Delhi 110 017, Mobile No.9971099172 and e-mail: devika.rawat@nalsar.ac.in, for compliance.

The Registrar shall, in addition, send a due intimation to all the concerned Authorities immediately for compliance.

All the reports shall be duly complied with and placed before this Court on the next date of hearing i.e., 25.11.2025.

Learned counsel for accused No.1 shall assist the Registry in placing the aforesaid reports on record in compliance of this order.

List on 25.11.2025.

SD/-K.SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. Ms. Devika Rawat, Mitigator, The Square Circle Clinic, NALSAR University of law 503, 5th Floor, ABW RECTANGLE 1, D4, SAKET District Centre, New Delhi- 110 017 (BY SPEED POST)
2. The Superintendent of Central Prison, Cherlapally, Medchal-Malkajgiri District, Telangana State (BY SPEED POST)
3. The Superintendent/Professor of Psychiatry, Institute of Mental health, Erragadda, Hyderabad (BY SPEED POST)
4. The Law Secretary, Law and Legislative Department, Secretariat, Hyderabad (BY SPL. MESSENGER)
5. The Registrar (Judicial-I), High Court for the State of Telangana, at Hyderabad
6. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)

7. One CC to Sri S.Nagesh Reddy, Advocate (OPUC)
8. One CC to Smt. C. Vasundhara Reddy, Advocate (OPUC)
9. Two spare copies

HIGH COURT

KL J
&
VRKR J

DATE: 29-10-2025

NOTE: POST ON 25-11-2025



ORDER

R.T. NO. 3 OF 2024
AND
CRL.A. NO. 120 OF 2025

DIRECTION