



2025:CGHC:51257-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 521 of 2025

Raja Chandra S/o Late K.R.Chandra Aged About 33 Years R/o Village Theegalakuntapally, Tehsil (Mandal) Koheda, Police Station - Koheda, Distt. - Siddipet, Telangana

... **Petitioner(s)**

versus

- 1 - State of Chhattisgarh Through The Secretary, Dept. Of Home, Mantralay, Atal Nagar, Naya Raipur, Distt. - Raipur, Chhattisgarh
- 2 - Director General Of Police Police Headquarters, Naya Raipur, Atal Nagar, Distt. - Raipur, Chhattisgarh
- 3 - Inspector General Of Police Bastar Division, Jagdalpur, Distt. - Bastar Chhattisgarh
- 4 - Superintendent Of Police Distt. - Narayanpur, Chhattisgarh

... **Respondent(s)**

For Petitioner(s) : Mr. Colin Gonsalves, Senior Advocate (through Video Conferencing) assisted by Mr. Kishore Narayan and Mr. Manik Gupta, Advocates.

For Respondent(s) : Mr. Prafull N Bharat, Advocate General assisted by Mr. Y.S.Thakur, Additional Advocate General.

Hon'ble Mr. Ramesh Sinha, Chief Justice
Hon'ble Mr. Bibhu Datta Guru, Judge

Order on Board**Per Ramesh Sinha, Chief Justice****14/10/2025**

- 1 Heard Mr. Colin Gonsalves, learned Senior Advocate (through Video Conferencing) assisted by Mr. Kishore Narayan and Mr. Manik Gupta, learned counsel for the petitioner. Also heard Mr. Prafull N Bharat, learned Advocate General assisted by Mr. Y.S.Thakur, learned Additional Advocate General for the State/respondents.
- 2 By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for the following relief(s):

“(i) That, this Hon'ble may kindly be pleased to issue a writ of mandamus directing the respondent authorities to constitute a Special Investigation Team (SIT) comprising of honest and upright police officers from outside the State of Chhattisgarh and further direct the said SIT be directed to register FIR on the allegation of the petitioner that his father Katha Ramchandra Reddy was killed by the security forces in a fake encounter and investigate the case and file police report with the competent criminal court. The investigation so conducted by the SIT may be monitored by the Hon'ble Court.

(ii) That, this Hon'ble may kindly be pleased to issue a writ of mandamus directing the respondent authorities to pay appropriate exemplary monetary compensation to the petitioner for murder of his father by the state and police authorities as a public law remedy for violation of his fundamental rights.

(iii) That, this Hon'ble Court may kindly be pleased to grant any other relief in view of the peculiar facts and circumstances mentioned in the case.”

- 3** The facts, as projected by the petitioner are that the petitioner is son of deceased Katha Ramchandra Reddy @ Katta Ramchandra Reddy @ Vikalp @ Raju Dada and family friend of deceased Kadari Satyanarayana Reddy @ Kosa Dada. Both these persons were killed in a fake encounter by the Police on 22.09.2025. As per the media report, intermittent exchange of fire was taking place between the Maoists and security forces since the morning hours of 22.09.2025. After the exchange of fire, bodies of two male maoist cadres were recovered along with weapons, explosives and Naxalite literature from the spot. The two dead bodies were identified as Raju Dada @ Katta Ramchandra Reddy @ Gudsa Usendi @ Vijay @ Vikalp, aged about 63 years, son of Malla Reddy, resident of Karimnagar, Telangana and; Kosa Dada @ Kadari Satyanarayana Reddy @ Gopanna, aged about 67 years, son of Krishna Reddy resident of Karimnagar, Telangana. Both these persons have been reported to be members of Central Committee of Maoists and carry a reward amount of Rs. 40 Lacs. The petitioner came to know about the above facts from the media reports and his sources. Deceased Katha Ramchandra Reddy is his father and deceased Kadari Satyanarayana Reddy is his family friend
- 4** Mr. Gonsalves, learned counsel for the petitioner submits that the petitioner reasonably apprehends that his father Katta Ramchandra Reddy was executed by the Police in a cold blooded manner and subsequently a false story of encounter has been concocted. The apprehension of the petitioner arises from the fact that allegedly the encounter took place between Maoists and the members of security forces. Both the parties were hundreds in number and after the encounter, only two persons died, and those were the members of Central Committee of Maoists. Normally, a Maoist leader of high rank is

protected and surrounded by many other Maoists. It is highly suspicious that no other Maoists or security forces have died or injured in the so called encounter. Further, the suspicion arises due to the timing of encounter as on 17.09.2025 a press release was issued by a polit bureau member Comrade Sonu wherein, it was stated that due to changing circumstances, the Maoists wanted to give up armed struggle and join the mainstream. Thereafter, on 20.09.2025, another press release was given by a person named Vikalp who is stated to be spokesperson of Maoist party. According to the Police, deceased Katta Ramchandra Reddy was the spokesperson of the Maoist party and the second press release was issued by him stating that the previous press release was not issued by the Maoists and they did not intend to give up armed struggle. Just after two days of press release, deceased Katta Ramchandra Reddy was allegedly killed in an encounter. The circumstance and the timing indicate that the deceased persons were nabbed alive by the Police with the help of their own party members who helped the Police in locating their whereabouts. After the deceased were caught/taken in custody, they might have been taken to jungle and were they were killed by the security forces and the police.

- 5 Mr. Gonsalves further submits that the evidence from the postmortem report and the ballistic report is required to be preserved to examine whether the encounter was fake encounter or a genuine encounter. The petitioner made representations to the Director General of Police, Chhattisgarh, District Collector, Narayanpur, and Principal District and Sessions Judge, Kondagaon requesting them to follow the guidelines contained in ***People's Union for Civil Liberties vs. State of Maharashtra*** reported in (2014) 10 SCC 635. However, the respondent authorities are not following the guidelines laid down by Hon'ble Supreme

Court in above mentioned case. The allegation of the petitioner is that his father was killed in a State managed encounter but it has not been registered into a formal FIR. The petitioner also believes that the security forces and the police authorities are tampering with the evidences to cover up the case. The petitioner received a mobile call from a person who statedly is an Inspector posted at Narayanpur Police Station or the office of the Superintendent of Police. He has informed that the dead body of his father has been kept in Government Mortuary. The police personnel has not informed whether the petitioner's specific allegation of murder of his father by the security forces has been acted upon or not. The petitioner and his family members intended that the inquest should be conducted in their presence and during the inquest, their statements should also be recorded and taken into account while preparing the inquest report. It was also intended by the petitioner that the postmortem of the dead bodies should be conducted by a team of Doctors headed by the Head of the Department of Forensics, Medical College Jagdalpur. Such postmortem should have been videographed and copy of videography may be filed in the Hon'ble court and a copy may be given to the petitioner or his counsel.

- 6** Mr. Gonsalves, relying on the additional affidavit and the written submission filed on behalf of the petitioner submits that the deceased left his home in 2007 and was never seen again by his family members. On 24.09.2025, after repeated request by the mother of the petitioner to the Collector, Narayanpur, she was allowed to see the body of the deceased. After seeing the body, the skin of the left eyelid was missing, the skin of the chest was peeling and looked as if it was burnt, there were bruises on the stomach and stab injuries on the other parts of the body which looked like caused by sharp weapons. There was no bullet injury wound seen on

the body. The mother of the petitioner was allowed to see only the upper half of the body and these circumstances clearly indicate that the father of the petitioner was subjected to torture and was killed by the security forces and the Police which was subsequently given a colour of encounter. It is submitted by Mr. Gonsalves that even if the deceased was a Naxalite or a member of the banned Maoist organization, the police / security personnel had no authority to execute the deceased in a brutal manner after torturing him which is evident from the three puncture injuries found on the body of the deceased of sizes 2x2 c.m. muscle deep on the ventral aspect of left hand cubital fossa, 0.5x0.5x0.5 c.m. on the left hand cubital fossa and 1x0.5x0.5 c.m. in the left cubital fossa region. Such injuries could have only been caused if it was intended intentionally.

- 7 It is also submitted by Mr. Gonsalves that though the postmortem was done for almost one hour thirty minutes, but the videography of the said postmortem is only of 10 minutes which does not contain the entire process of postmortem and hence, the same is suspicious. As per the decision of the Apex Court in ***People's Union for Civil Liberties*** (supra) photographs are required to be taken. These photographs have not been submitted in the return. This is important because the photographs will reveal wounds and injuries that are not clearly visible in the video. Photographs are the most elementary requirement of a post mortem. The internal organs have been superficially examined if at all. The photographs which will show the injuries which are not clear in the video are omitted. The injuries are not properly described by the doctors who conducted the postmortem. The postmortem does not contain details to give a proper idea to interpret the entry and exit of wounds. The ***People's Union for Civil Liberties*** (supra) judgment also requires

a "rough sketch of the topography of the scene and if possible, photo/video of the scene and physical evidence) and time of death as well as any pattern or practice that may have brought about the death but no such rough sketch is submitted, no photo/video of the scene is submitted, no mention is made of cartridges retrieved, no mention is made of the blood on the soil, no mention is made of arms retrieved. Even in the FIR, there is no mention made of the retrieval of cartridges.

8 In sum and substance, the petitioner's intention is that the guidelines laid down by the Supreme Court in ***People's Union for Civil Liberties*** (supra) should be followed in its letter and spirit. Mr. Gonsalves further places reliance on the decision of the apex Court in ***Extra Judicial Execution Victim Families Association v. Union of India*** {(2017) 8 SCC 417}, decision of a Five Judge Bench of Andhra Pradesh High Court in ***A.P. Civil Liberties Committee v. Government of A.P.*** {WP Nos. 15419/2006 and connected matters} a Division Bench judgment of this Court in ***Madkam Lakshmi v. State of Chhattisgarh*** {WPCr No. 144/2016, decided on 13.09.2018}.

9 On the other hand, Mr. Prafull N Bharat, learned Advocate General assisted by Mr. Y.S.Thakur, learned Additional Advocate General, relying on the return filed, submits that on 20.09.2025, on specific intelligence input of presence of Maoists including their top level leaders, a Police party was dispatched for search operation in Abujhmad area. On 22.09.2025 at around 09:00 a.m., an encounter took place between the security forces and 20-25 Naxalites. Afterwards on searching, bodies of two male Maoists were recovered along with large number of weapons including one AK-47 Rifle, one INSAS Rifle, one BGL launcher and other items. Crime No. 16/2025 dated 24.09.2025 at Police Station Orchha

District Narayanpur for the offence under Sections 191(2), 191(3), 190, 109, 61(2), 111(2) (b) Bharatiya Nyay Sanhita, 2023, Section 25, 27 Arms Act, Section 4, 5 Explosives Act and Section 16, 18, 20, 38(2), and 39(2) of the Unlawful Activities (Prevention) Act, 1967 was registered in this regard. After the encounter, the following actions were taken which reads as under:

22.09.2025	The police authorities as per the NHRC protocol sent preliminary information to the National Human Rights Commission, New Delhi
23.09.2025	Correspondence to the Civil Surgeon, Narayanpur for constituting a Medical Team for postmortem.
23.09.2025	Correspondence to the Incharge Scene of Crime Mobile Unit, District kanker for FSL examination of dead bodies.
23.09.2025	Correspondence to the Reserve Inspector to provide Photographer for videography and photography of the dead body of the maoist.
23.09.2025	Correspondence to the Civil Surgeon, Narayanpur, for keeping the bodies in the Deep Freezer Mortuary.
23.09.2025	Inquest proceedings conducted in the presence of Executive Magistrate.
23.09.2025	Zero FIR registered at Police Station, Narayanpur.
24.09.2025	Police Station, Orchha registered FIR bearing No. 16/2025.
24.09.2025	Postmortem at District Hospital Narayanpur by a team of Doctors with videography and photography.
24.09.2025	After postmortem, dead body of the deceased Kosa @ Kadari Satyanarayana Reddy handed over to the relatives.
25.09.2025	Request for Magisterial Inquiry to Collector,

	Narayanpur.
25.09.2025	Sub Divisional Officer (Revenue) Orchha, Dr. Sumeet Kumar Garg appointed as Magistrate for Magisterial enquiry.
25.09.2025	Ms. Shantipriya (wife of deceased K Ramachandra Reddy) contacted on her mobile number 9490102104 to hand over the body. She stated that she being in Dantewada and would come later, thereby deferring the matter. GD entry made in this regard.
25.09.2025	As per the order of the Hon'ble Supreme Court with regard to the petition filed, the Civil Surgeon was asked to preserve the body of deceased until further directions of the Hon'ble High Court.
26.09.2025	Detailed report (after 72 hours) to the NHRC.
26.09.2025	Letter sent to all Naxal Cell and SHO's for inputs received.
27.09.2025	Recorded statements of the applicant as well as the witnesses of the case.
30.09.2025	Receipt of the PM report and CD with videography of PM/FSL proceedings.
01.10.2025	Seized weapons sent for Ballistic Analysis to SFSL, Raipur.
01.10.2025	Letter to FSL, Jagdalpur for analysis of blood stained earth seized from the place of encounter.
06.10.2025	Ballistic Analysis report and Hand Swab report received from SFSL, Raipur.

- 10** Mr. Bharat further submits that the police authorities have also followed the guidelines of the National Human Rights Commission in the present encounter case which is as under:

22.09.2025	The police authorities as per the NHRC directions
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	sent preliminary information to the NHRC, New Delhi.
23.09.2025	A letter was sent to the Civil Surgeon, Narayanpur for constituting a medical team.
23.09.2025	A letter was sent to the Incharge, Scene of Crime Mobile Unit, District Kanker, for FSL examination of dead bodies.
23.09.2025	A letter was sent to Reserve Inspector to provide Photographer for videograph and photograph of dead body of Maoist.
23.09.2025	Inquest proceedings conducted in the presence of Executive Magistrate.
24.09.2025	Postmortem at District Hospital Narayanpur by a team of Doctors with videography and photography.
25.09.2025	Request for magisterial inquiry sent to Collector, Narayanpur.
25.09.2025	Sub Divisional Officer (Revenue) Orchha Dr. Sumeet Kumar Garg was appointed as Magistrate for Magisterial Enquiry by the Collector, Narayanpur.
26.09.2025	A detailed report (after 72 hours) sent to the NHRC.

- 11** Mr. Bharat submits that the deceased who died in the encounter are member of Naxal group having criminal antecedents in various States. In the State of Chhattisgarh, the deceased K. Ramachandra Reddy was having 29 criminal antecedents, in Telangana 2 and in Maharashtra 6. The details have been provided in a tabular form at paragraph 6 of the return. As per latest shift in the Maoist's tactics; they are now fragmented in smaller groups to avoid contact with the security forces in order to minimize their operational losses. In addition, there had been inputs that the lower level cadres are now fleeing from the scene when encountered with the security forces leaving behind the senior formation including the

Central Committee Members (CCMs) of the proscribed organization CPI (Maoist). The postmortem of both dead bodies have already been conducted as per NHRC guidelines by a team of doctors and it has been videographed. The dead body of the other deceased namely Kadari Satyanarayana Reddy was taken by the relatives and has been reported to be cremated without any demur. The weapons seized in the encounter have been forwarded to State FSL for ballistics examination. As per SFSL report, the seized weapons have been found in active condition and these have been fired before. Further, the nitrate test has opined negative and firing has been done from a distance. In addition, on testing of cotton swab of hands of deceased Katta Ramchandra Reddy and of deceased Kadri Satyanarayan Reddy, firing discharge residue have been found. The comprehensive guidelines issued by NHRC in case of death in police encounter are being followed in letter and spirit. The preliminary report (within 24 hrs) and detailed report (within 72 hrs) have already been sent to NHRC. Further as per the directions of the Supreme Court issued on 26.09.2025, dead body of deceased Katta Ramchandra Reddy has been preserved until the order/direction received from this Court.

- 12** So far as the punctured injuries found on the body of the deceased are concerned, it is a common knowledge that in operations which are conducted inside dense forest where the terrain is such that a person can sustain various kinds of injuries on its own such as bruises, abrasions, laceration, punctured wounds etc. from the pointed objects like rocks, stones, thorns, bamboos, sharp edged leaves etc. it is possible that the injuries sustained by the deceased was an outcome of any such incident as admittedly, he was also involved in firing upon the security personnel and such situation, where bullets are being fired and both the naxalites

and security forces both have to move quickly from one place to another which is a part of their tactical operations. Mere making an allegation would not be sufficient and as such, this petition being bereft of merit deserves to be dismissed.

13 We have heard learned counsel appearing for the parties, perused the pleadings, materials available on record and considered their submissions advanced.

14 Before filing of this petition, the petitioner had approached the Apex Court under Article 32 of the Constitution of India, by filing WP(Crl.) No. 395/2025, which was disposed of on 26.09.2025, observing as under:

“6. Heard the parties.

7. We direct that till such time the High Court decides the writ petition or passes an appropriate order at the interim stage, the dead body of the petitioner's father may not be cremated / buried or disposed of in any other way.

8. This writ petition stands disposed of with a request to the High Court to hear the petition immediately upon the High Court resuming for judicial work after the ensuing Puja / Dussehra holiday.

9. Since no affidavit has been called for from the respondents, allegations levelled in the writ petition against them shall not be deemed to have been admitted.

10. All points on merit are kept open for being urged before the High Court for a decision.

11. Pending application(s), if any, shall stand disposed of.”

15 After filing of this petition on 24.09.2025, this matter came up for hearing before this Court on 06.10.2025 on which date, this Court directed the respondents/State to file return specifically indicating the criminal

antecedents/involvement of the deceased in the naxal activities in various States and to inform this Court with regard to the steps taken/protocol followed by the State immediately after the encounter and before handing over the body of the deceased to his relatives and the matter was directed to be listed on 13.10.2025. When the matter was taken up yesterday, since the rejoinder filed by the petitioner was not on record, the matter was directed to be listed today again and as such, today, the matter has been heard finally.

16 It is not in dispute that the deceased was not in touch with his family since 2007 the day when he left his house. It is also not in dispute that the deceased was a naxalite and as many as 29 cases have been registered in the State of Chhattisgarh, 2 in the State of Telangana and 6 in the State of Maharashtra. The details are as under:

In the State of Chhattisgarh			
Sl.No.	Crime No.	Offence Under Sections	Registered at
1	14/2018	147, 148, 149, 307 IPC, 25, 27 Arms Act	PS Orchha, District Narayanpur (CG)
2	8/2018	147, 148, 149, 307, 399 IPC 25, 27 Arms Act 4, 5 Ex-Act 23 (1) (2), 38 (1) (2), 39 (1) UAPA	PS Jhara, District Narayanpur (CG)
3	18/2017	147, 148, 149, 307 IPC, 25, 27 Arms Act	PS Chotedonger, District Narayanpur (CG)
4	4/2017	147,148,149,307 IPC, 25, 27 Arms Act	PS Dhodai, District Narayanpur (CG)
5	6/2016	302, 365, 323, 506, 147, 148, 149 IPC 25, 27 Arms Act	PS Chotedonger, District Narayanpur (CG)

6	13/2016	147, 148, 149, 307 IPC, 25, 27 Arms Act 3, 5 Ex-Act	PS Chotedonger, District Narayanpur (CG)
7	4/2016	147, 148, 149, 307 IPC 25, 27 Arms Act	PS Dhodai, District Narayanpur (CG)
8	17/2016	147, 148, 149, 307 IPC, 25, 27 Arms Act	PS Chotedonger, District Narayanpur (CG)
9	27/2016	147, 148, 149, 307 IPC, 25, 27 Arms Act	PS Chotedonger, District Narayanpur (CG)
10	13/2015	307, 147, 148, 149, IPC, 25, 27 Arms Act	PS Chotedonger, District Narayanpur (CG)
11	18/2021	147, 148, 149, 302, 396 IPC-25, 27 Arms Act 13(1), 20, 38(1) (2) 39(2) UAPA	PS Chotedonger, District Narayanpur (CG)
12	5/2018	121,121d, 123, 147, 148, 149, 201, 302, 342 IPC 25, 27 Arms Act 10A, 13 (1) A, B, 16 A, 23 (1) 38 (2) UAPA	PS Dhodai, District Narayanpur (CG)
13	4/2018	147, 148, 149, 307 IPC 25, 27 Arms Act-4,5 Ex-Act	PS Orchha, District Narayanpur (CG)
14	9/2015	307, 147, 148, 149 IPC 25, 27 Arms Act	PS Chotedonger District Narayanpur (CG)
15	10/2022	147, 148, 149, 323, 506 (B), 435, 397 IPC, 25 Arms Act	PS Barsur, District Dantewada (CG)
16	6/2018	147, 148, 149, 307 IPC 25, 27 Arms Act, 3, 5 Ex Act	PS Barsur, District Dantewada (CG)
17	10/2018	147, 148, 149, 307 IPC 25, 27 Arms Act, 23, 38 (2), 39(2)	PS Barsur, District Dantewada (CG)

		UAPA	
18	6/2021	147, 148, 149, 307, 302 IPC-3,5 Ex-Act 38 (2) 39 (2) UAPA	PS Malewahi, District Dantewada (CG)
19	2/2015	147, 148, 149, 302 IPC 25, 27 Arms Act	PS Burgum District Bastar (CG)
20	17/2013	124 (A) 506B IPC	PS Badgaon District Kanker (CG)
21	17/2013	147, 148, 121, 121A IPC 25 27 Arms Act	PS Bande District Kanker (CG)
22	7/2012	147, 148, 149, 307, 121A IPC 25 & 1(A) IPC 25, 27 Arms Act, 4, 5 Ex-Act	PS Bande District Kanker (CG)
23	6/2024	147, 148, 149, 307 IPC 25, 27 Arms Act, 10, 13, 16, 18, 38 (2) 39(2) UAPA 3, 4, 5 Ex-Act	PS Chhotebethiya, District Kanker (CG)
24	12/2015	147, 148, 149, 307 IPC 25, 27 Arms Act, 23, 38(2) 39(2) UAPA 3, 4 Ex-Act	PS Mardapal, District Kondgaon (CG)
25	13/2015	147, 148, 149, 307 IPC 25, 27 Arms Act, 23, 38(2) 39(2) UAPA 3, 4 Ex-Act	PS Mardapal, District Kondgaon (CG)
26	2/2016	147, 148, 149, 307 IPC 25, 27 Arms Act, 23, 38(2) 39(2) UAPA 3, 4 Ex-Act	PS Mardapal, District Kondgaon (CG)
27	6/2016	6, 7, 8, 9, 10, 147, 148, 149, 341, 395, 506B IPC, 25, 27 Arms Act, 3 (1), 15 ST/SC	PS Mardapal, District Kondgaon (CG)

28	14/2016	147, 148, 149, 307 IPC 25, 27 Arms Act	PS District (CG)	Mardapal, Kondgaon
29	2/2017	147, 148, 149, 307 IPC 25, 27 Arms Act, 23, 38 (2) 39 (2) UAPA	PS District (CG)	Mardapal, Kondgaon
State of Maharashtra				
1	34/1984	353, 506 IPC	PS	Chamrosi, Gadhchiroli (MH)
2	12/2009	302, 307, 353, 143, 147, 148, 149, 120B of IPC R/w 3/25 Arms Act, 4, 5 of Explosives Act.	PS	Purada Gadhchiroli (MH)
3	29/2019	307, 353, 143, 147, 148, 149, 120B of IPC 3/25 Arms Act, 4, 5, of Explosives Act, 16, 18, 20, 23 UAPA Act.	PS	Korachi Gadhchiroli (MH)
4	76/2019	307, 353, 143, 147, 148, 149, 120B of IPC, 3/25 of Arms Act, 135 MP Act.	PS	Dhanora Gadhchiroli (MH)
5	9/2019	120B of IPC, 3, 4 of Explosives Act, 16, 18, 20, 23 of UAPA Act.	PS	Pendhari Gadhchiroli (MH)
6	440/2019	4, 5 of Explosives Act, 16, 18, 20, 23 UAPA Act.	PS	Chamoros, Gadhchiroli (MH)
State of Telangana				
1	240/2023	120B, 467, 468, 471, R/w 34 of IPC, 10, 13, 17, 18, 18B, 20 of UAPA Act, 8(I)(II) of TSPSA	PS	Jaipur, District Ramgundam (Telangana)
2	819/2023	25 of Arms Act, 34, 468, 121, 467, 120B, 471, 121A of IPC,	PS	KPHB Colony, Cyberabad,

		8(I)(II) of TSPSA, 10, 13, 16, 17, 18, 18B, 20 of UAPA Act	Telangana
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- 17 From the submissions advanced and the pleadings in the petition, it is evident that it is the mere assumption of the petitioner and his mother that the deceased was subjected to torture by the Police/security personnel and thereafter executed in a cold blooded manner and a fake story of encounter has been concocted. The further ground of their belief is that the mother of the petitioner saw various injuries on the body of the deceased which made her suspicious that the said injuries could not have been caused during the encounter and the same could possible have been caused intentionally by the police personnel. The mother of the petitioner is not a subject expert nor is there any material on record to establish that the deceased was firstly taken into custody, then tortured and thereafter executed. It is merely the assumption of the petitioner and his mother.
- 18 Further, the return filed by the State/respondent is a detailed one and they have narrated the sequence of events which occurred before and after the encounter. The guidelines as mandated by the Apex Court in ***People's Union for Civil Liberties*** (supra) and the guidelines issued by the NHRC have also been followed which is evident from paragraphs 3 and 4 of the return. The criminal antecedents of the deceased have also been detailed in paragraph 6 regarding which there is no rebuttal by the petitioners. Merely on the basis of certain injuries on the body of the deceased, the encounter which took place between the Police and the Maoist cannot be held to be an act of extra judicial killing. Even if no police personnel was injured, that cannot lead to a conclusion that no such encounter had taken place.

- 19 As per the guidelines as mandated by the Apex Court in ***People's Union for Civil Liberties*** (supra) and the guidelines issued by the NHRC, the police authorities, as per the NHRC protocol had sent preliminary information to the NHRC, New Delhi, correspondence was made to the Civil Surgeon, Narayanpur for constituting a Medical Team for postmortem, correspondence was made to the Incharge Scene of Crime Mobile Unit, District Kanker for FSL examination of dead bodies, correspondence was made to the Reserve Inspector to provide Photographer for videography and photography of the dead body of the maoist, correspondence was made to the Civil Surgeon, Narayanpur, for keeping the bodies in the Deep Freezer Mortuary, inquest proceedings were conducted in the presence of Executive Magistrate, unnumbered FIR was registered at Police Station, Narayanpur and thereafter Police Station, Orchha registered FIR bearing No. 16/2025, postmortem was conducted at District Hospital Narayanpur by a team of Doctors with videography and photography. After postmortem, dead body of the other deceased Kosa @ Kadari Satyanarayana Reddy was handed over to the relatives. A request for Magisterial Enquiry was made to the Collector, Narayanpur upon which the Sub Divisional Officer (Revenue) Orchha, Dr. Sumeet Kumar Garg was appointed as Magistrate for conducting the Magisterial enquiry. As per the order of the Hon'ble Supreme Court with regard to the petition filed, the Civil Surgeon was asked to preserve the body of deceased until further directions of the Hon'ble High Court. A detailed report (after 72 hours) was also sent to the NHRC and letters were also sent to all Naxal Cell and SHO's for inputs received. The statement of the witnesses of the case were recorded, weapons seized were sent for ballistic analysis to SFSL, Raipur. Letters were also sent to FSL, Jagdalpur for analysis of blood stained earth seized from the place

of encounter and thereafter, ballistic analysis report and hand swab report were received from SFSL, Raipur. All these steps goes to suggest that the guidelines issued by the Apex Court as well as the NHRC were followed in its letter and spirit.

- 20 On specific query with regard to involvement of the deceased in Maoist activities, Mr. Gonsalves does not have any reply and submits that the deceased could or could not have been a part of the said banned organization and reiterates that no FIR has been registered against the security personnel on the request made by the petitioner and his mother.
- 21 There has been recovery of arms, ammunition, presence of nitrate in the palm of the deceased which is a pointer to the fact that he had opened fire upon the security personnel and in the said encounter, he got shot dead. The petitioner has been provided the videography of the postmortem conducted by the Doctors and as such, in essence, no grievance of the petitioner remains unaddressed. No case has been made out by the petitioner for issuance of any direction either to constitute a Special Investigation Team (*for short, the SIT*) comprising of the officers from outside the State to investigate the allegations levelled by the petitioner or for payment of any monetary compensation to the petitioner.
- 22 Encounters in Naxal-dominated zones are military-style anti-insurgency operations. It is not uncommon for few deaths or one-sided casualties due to surprise or superior tactical position. Therefore, the absence of police casualties cannot by itself imply falsity. The guidelines issued by the Apex Court in ***People's Union for Civil Liberties*** (supra) are procedural safeguards but any defect / lapses / non-compliance alone does not automatically imply that the encounter was fake. Even

otherwise, the petitioner has not been established that any of the procedural requirements have not been followed. The petitioner had no personal knowledge of his father's activities, whereabouts, or condition, and his claim relies solely on media reports and speculation.

- 23 The Apex Court, in ***State of West Bengal & Others v. Committee for Protection of Democratic Rights, West Bengal & Others*** {(2010) 3 SCC 571}, has observed as under:

“70. Before parting with the case, we deem it necessary to emphasise that despite wide powers conferred by Articles 32 and 226 of the Constitution, while passing any order, the Courts must bear in mind certain self-imposed limitations on the exercise of these Constitutional powers. The very plenitude of the power under the said Articles requires great caution in its exercise. In so far as the question of issuing a direction to the CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such power should be exercised but time and again it has been reiterated that such an order is not to be passed as a matter of routine or merely because a party has levelled some allegations against the local police. This extra-ordinary power must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instil confidence in investigations or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights. Otherwise the CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and in the process lose its credibility and purpose with unsatisfactory investigations.”

- 24 Further, in ***Arnab Ranjan Goswami v. Union of India & Others*** {(2020) 14 SCC 12}, the Supreme Court observed as under:

“52. In assessing the contention for the transfer of the investigation to the CBI, we have factored into the decision-making calculus the averments on the record and submissions urged on behalf of the petitioner. We are unable to find any reason that warrants a transfer of the investigation to the CBI. In holding thus, we have applied the tests spelt out in the consistent line of precedent of this Court. They have not been fulfilled. An individual under investigation has a legitimate expectation of a fair process which accords with law. The displeasure of an accused person about the manner in which the investigation proceeds or an unsubstantiated allegation (as in the present case) of a conflict of interest against the police conducting the investigation must not derail the legitimate course of law and warrant the invocation of the extraordinary power of this Court to transfer an investigation to the CBI. Courts assume the extraordinary jurisdiction to transfer an investigation in exceptional situations to ensure that the sanctity of the administration of criminal justice is preserved. While no inflexible guidelines are laid down, the notion that such a transfer is an “extraordinary power” to be used “sparingly” and “in exceptional circumstances” comports with the idea that routine transfers would belie not just public confidence in the normal course of law but also render meaningless the extraordinary situations that warrant the exercise of the power to transfer the investigation. Having balanced and considered the material on record as well as the averments of and submissions urged by the petitioner, we find that no case of the nature which falls within the ambit of the tests enunciated in the precedents of this Court has been established for the transfer of the investigation.”

- 25** This petition is based purely on the apprehension of the petitioner and his mother that the deceased did not die in an anti-naxal operation but was firstly arrested/taken into custody, tortured and then killed by the security personnel. However, there is no material on record to substantiate the said allegation and on the contrary, the reply/return filed by the State

clearly discloses that the deceased alongwith other person, died in anti-naxal operation being carried by the State's security forces. The allegations and apprehensions are self serving statement which are of no assistance to the petitioner. The petitioner has utterly failed to make out any case for interference. The dead body of the other naxalite who was killed in the encounter, namely Kadari Satyanarayana Reddy was taken by his relatives without any protest or demur or raising any suspicion against the security personnel.

- 26** Learned counsel for the petitioner has mainly harped on the issue that there were three puncture wounds on the body of the deceased which was caused by the security personnel after his arrest and thereafter, he was executed. Except for making a self serving statement, there is nothing on record to show or establish that such injuries were result of any act of the security personnel.
- 27** Forests are the safe haven for the naxalites/maoists and most of the anti-naxal operation takes place in dense forest where the terrain is very harsh. A security personnel deployed in the remote forest areas or a naxalite operating in difficult terrain may sustain various kinds of injuries on their body which may be physical or mechanical injuries. The common causes are uneven terrain, dense vegetation, hidden roots, and falling debris by which a person may receive cuts, scratches and puncture wounds from thorns, branches, sharp leaves, bamboo, or animal claws/fangs, bones. Injuries such as bruises and abrasions from slips, trips, and falls on rocks or roots, sprains, strains, and dislocations from from stepping in holes, climbing uneven slopes, or carrying heavy gear, fractures from falls (trees, cliffs, ravines) or heavy objects like branches, head or spinal Injuries, if falling or struck by debris. What was the real

cause of the punctured wound sustained by the deceased is difficult to ascertain and mere speculations can be made with respect to it but when an allegation of torture by the security personnel is made by the petitioner, the same needs to be substantiated, which is totally missing in this case.

- 28** It is also not disputed that the deceased was a habitual offender and number of criminal cases were registered against him and he had left his house way back in the year 2007. Whereabouts were not known either to the petitioner or his mother and they only came to know through media reports when the dead body was found and as such, it can be assumed that the deceased had been actively involved in naxal activities and was operating in the forest areas where such injuries are not uncommon.
- 29** The dead body of other deceased namely Kadri Satyanarayan Reddy was taken by the relatives of the said deceased without any protest and demur as the said person was also an active Maoist and as reported by the learned State counsel, the body has also been cremated also by the relatives.
- 30** Anti-naxal operations, being part of regular counter-insurgency measures undertaken by the State or Central Security forces, cannot be subjected to investigation by the SIT, as prayed by the petitioner, unless exceptional circumstances warrant such intervention. Routine operations conducted by security personnel in Naxal-affected areas aimed at maintaining law and order and combating insurgency fall within the domain of the State Police forces and Central Paramilitary Agencies operating under lawful authority. Directing investigation by SIT into such regular field operations would not only undermine the federal structure of policing powers but also set a precedent inconsistent with established

legal and administrative principles. Only in instances where credible allegations of excesses, misuse of power, or violations of human rights arise, and where an impartial probe is deemed necessary to uphold justice, can the judiciary consider entrusting such matters to the SIT but no such circumstances exists in the present case. Hence, no such relief can be granted to the petitioner.

- 31** As a result of the above discussion, this petition being devoid of merit, deserves to be and is accordingly **dismissed**.

Sd/-
(Bibhu Datta Guru)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE