

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
THURSDAY, THE FIFTH DAY OF MAY, TWO THOUSAND AND TWENTY TWO
:PRESENT:

THE HONOURABLE SRI JUSTICE AHSANUDDIN AMANULLAH
AND
THE HONOURABLE SRI JUSTICE G. RAMAKRISHNA PRASAD
REFERRED TRIAL. No. 2 of 2021



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(Crl.As.No.147, 148, 157, 163, 164, 168, 169, 193, 232, 249, 281 and 355 of 2021), R.T.No.3 of 2021 (Crl.As.No.158, 159, 162, 166, 184, 194, 214, 252, 260 and 354 of 2021) and R.T.No. 4 of 2021 (Crl.As.No.160, 161, 165, 167, 170, 198, 212, 251, 258 and 353 of 2021)

[On reference through the letter vide Dis.No.329/2021, dated 25.05.2021 on the Judge, Family "Court-cum-VIII Addl. District and Sessions Judge, Ongole, Prakasam District, A.P., in S.C.No. 73 of 2010 (P.R.C.No. 40/2009 on the file of Additional Judicial Magistrate of First Class, Kandukur) connected to Crime NO. 150 of 2008 of Singarayakonda PS.)

Judge, Family Court-cum-VII Additional District and Sessions Judge, Ongole, Prakasam District.

..Referring Officer.

The State of Andhra Pradesh, rep. by its Public Prosecutor,
High Court of Andhra Pradesh, Amaravati, through Inspector of Police, Ongole Town Police.

....Complainant.

AND

- 1.Mohammad Abdul Sammad @ Munna, S/o. Abdul Karim, Aged 40 years, Muslim, Native of Islampeta, 1st Line, Ongole. (A-1).
- 2.Shaik Riyaz, S/o. Rahamthulla, Aged 25 years, Muslim, Islampet, 2nd Line, Ongole (A-2)
- 3.Syed Hidayatulla @ Babu, S/o. Abdul Hafeez, Aged 27 years, Muslim, V.V. Puram, Donakonda, Prakasam District. (A-3)
- 4.Jamal of Bangalore. (A-4)
- 5.Bathala Salmon, S/o. Ankamma, Aged 34 years, Mala, R/o. Inamanamellur Village, Maddipadu Mandal. (A-5)
- 6.Yepuri Chinna Veeraswamy, S/o. Pedda Chennaiah, Aged 35 years, Mala by caste, Native of Reddypalem Village, Nujendla Mandal, Guntur District, Now residing at Inamanamellur Village, Maddipadu Mandal(A-6)
- 7.Yepuri Pedda Veeraswamy, S/o. Pedda Chennaiah, Aged 47 years, Mala by caste, Native of Reddypalem Village, Nujendla Mandal, Guntur District, Now residing at Patha Malapalli, Karamchedu Village and Mandal, Prakasam District. (A-7)
- 8.Gundu Bhanu Prakash @ Bhanu @ Gajani, S/o. Rama Narayana, Aged 25 years, Caste by Padmasali, Kothasayampet, Hunter Road, Hanumakonda Mandal, Warangal District. (A-8)
- 9.Rachamalla Sampath, S/o. Late Ramanaiah, Aged 21 years, Munnoor Kapu by Caste, Kothasayampet, Hunter Road, Hanumakonda Mandal, Warangal District. (A-9)
- 10.Gundeboina Sridhar, S/o. Late Ilaiyah, Aged 27 years, Yadava, Kothsayampet, Hunter Road, Hanumakonda Mandal, Warangal District.(A-10)
- 11.Shaik Hafeez, S/o. Ghouse Mohiddin, Aged 32 years, Sanjay Gandhi Nagar, Near Jayaram Talkies, Ongole (A-11)
- 12.Shaik Dada Peer @ Gani, S/o. Mahaboob Saheb, Aged 25 years, Muslim, Modern Colony, HIndupur, Anantapur District. (A-15)

....Accused.
Contd..2...

Whereas the Accused above named through Reference Proceedings for confirmation of the death sentence awarded against the Accused Nos. 1 to 11 and 15 by the Court of Judge, Family Court-cum-VIII Additional District and Sessions Judge, Ongole, Prakasam District, A.P., in S.C.No. 73 of 2010 (PRC No.40/2009 of Additional Judicial Magistrate of First Class, Ongole) connected to Crime No. 150 of 2008 of Singarayakonda Police Station.

And whereas the High Court, upon perusing the grounds in Criminal Appeal Nos. 147, 148, 157, 163, 164, 168, 169, 193, 232, 249, 281 and 355 of 2021), R.T.No.3 of 2021 (Crl.As.No.158, 159, 162, 166, 184, 194, 214, 252, 260 and 354 of 2021) and R.T.No. 4 of 2021 (Crl.As.No.160, 161, 165, 167, 170, 198, 212, 251, 258 and 353 of 2021 filed therein and upon hearing the arguments of the Addl. Public Prosecutor for the Complainant.

The Court made the following **ORDER:**

(Per Hon'ble Mr. Justice Ahsanuddin Amanullah)

"Mr. S. Naga Muthu, learned senior counsel *Amicus curiae* in the present batch of cases has assisted the Court.

2. The exercise as per the previous order of the Court having been complied with, learned *Amicus curiae* has indicated the options available to the Court. However, he took a categorical stand that the Judgment of the trial Court in all the three cases, my require interference.

3. At this juncture, when the Court called upon the learned counsel representing the accused, who are appellants in the cases filed by them, learned Advocates on record representing the accused submitted that learned senior counsel would be assisting the Court and they were in some personal difficulty today and prayer was made to post the matter on 06.05.2022 (tomorrow) with further prayer that the proceedings may be conducted in hybrid mode.

4. Learned *Amicus curiae* has submitted to the Court various compilations and the gist of his arguments, which are taken on record.

5. Mr. S. Dushyanth Reddy, learned Additional Public Prosecutor, for the State, has also filed compilations and the same are also taken on record.

6. As learned *Amicus curiae* has completed the exercise and has also assisted the Court on the points and issues, his presence in the proceedings is dispensed with, for the present.

7. For having rendered his assistance to the Court, the Court records its gratitude and appreciation and only for taking care of the expenses incurred by the learned *Amicus curiae* and his assisting counsel, the Court directs the State to remit an amount of Rs.2,00,000/- (Rupees two lakhs) in the account, as may be indicated by learned *Amicus curiae*.

8. Learned Additional Public Prosecutor shall ensure compliance of the same.

Contd..3...

9. The matter be listed tomorrow (06.05.2022) at 2.15 p.m. after obtaining permission of Hon'ble the Chief Justice and the proceedings be conducted through hybrid mode. It shall be open to the learned *Amicus curiae* to join the proceedings.


Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

for ASSISTANT REGISTRAR

To

1. Judge, Family "Court-cum-VIII Addl. District and Sessions Judge, Ongole, Prakasam District
2. The Additional Judicial Magistrate of First Class, Kandukur
3. The Registrar (Judicial), High Court of A.P., at Amaravati.
4. The Inspector of Police, Ongole Town Circle, Prakasam District.
5. Mohammad Abdul Sammad @ Munna, S/o. Abdul Karim, Aged 40 years, Muslim, Native of Islampeta, 1st Line, Ongole. (A-1).
6. Shaik Riyaz, S/o. Rahamthulla, Aged 25 years, Muslim, Islampet, 2nd Line, Ongole (A-2)
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14. Shaik Hafeez, S/o. Ghouse Mohiddin, Aged 32 years, Sanjay Gandhi Nagar, Near Jayaram Talkies, Ongole (A-11)
15. Shaik Dada Peer @ Gani, S/o. Mahaboob Saheb, Aged 25 years, Muslim, Modern Colony, Hindupur, Anantapur District. (A-15)
(Addressee Nos. 5 to 16 BY RPAD/Speed Post)
16. Two CCs to the Assistant Public Prosecutor (dushylaw@gmail.com), High Court, A.P. (OUT)
17. One CC to Sri Naga Muthu, Advocate (OPUC)
18. Two spare copies.

TKK

HIGH COURT

AA.J & GRP.J

DATED: 05-05-2022

ORDER

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&

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DIRECTION

