

(2024) 07 AP CK 0030

Andhra Pradesh High Court - Amaravati

Case No: Writ Petition No: 16231 Of 2024

Komma Siva Chandra Reddy, S/O  
Komma Ramalingareddy

APPELLANT

Vs

Union Of India, Rep By Its  
Secretary, Ministry Of Home  
Affairs, Nirman Bhawan, Near  
Udyog Bhawan, Metro Station,  
Maulana Azad Rd, New Delhi,  
Delhi-110011 And Others

RESPONDENT

**Date of Decision:** July 29, 2024

**Acts Referred:**

- Indian Penal Code, 1860 - Section 34, 201, 302
- Witness Protection Scheme, 2018 - Rule 8
- Constitution Of India, 1950 - Article 226

**Hon'ble Judges:** B V L N Chakravarthi, J

**Bench:** Single Bench

**Advocate:** Jada Sravan Kumar

**Final Decision:** Disposed Of

### Judgement

B V L N Chakravarthi, J

1. This petition is filed under Article 226 of the Constitution of India, seeking the following relief:-

**“...to issue Writ or order or direction more particularly in the nature of Writ of Mandamus, declaring the action of respondent No.6 in withdrawing the Gun Man protection to the petitioner all of sudden without any intimation despite the petitioner was being provided Gun Man Protection 1+1 on 16.10.2023 upon recommendations of the respondents No.4 and 5 under the Witness Protection Scheme, 2018 pertain to Crime No.4(s)/2020/SC-III/New Delhi, ...”**

2. Heard Sri **Jada Sravan Kumar**, learned counsel for the petitioner and Sri **K.M.Krishna Reddy**, learned Government Pleader representing the State.

3. Sri Jada Sravan Kumar, learned counsel for the petitioner would submit that the petitioner was provided 1+1 security as per the orders dated 09.10.2023 of the Competent Authority rendered under Witness Protection Scheme, 2018. He would further submit that later the Superintendent of Police, Kadapa, withdrawn the security on 19.07.2024 unilaterally without following the procedure laid down under the above scheme. He would further submit that the petitioner presented an application to the learned Principal District and Sessions Judge, Kadapa, under the above scheme on 20.07.2024 for providing security to the writ petitioner.

4. It is an undisputed fact that the petitioner was provided with 1+1 Security as per the order dated 16.10.2023 of the Competent Authority under Witness Protection Scheme 2018, in CBI Crime RC 4(s)/2020/SC-III/New Delhi, U/s.302, 201 r/w.34 I.P.C. It appears that the Superintendent of Police, Kadapa, withdrawn the said security on 19.07.2024 without recourse to the procedure laid down under Witness Protection Scheme, 2018 Therefore, the action of the Superintendent of Police, Kadapa District, is not in accordance with Rule 8 of Witness Protection Scheme 2018, which is as under:

**“Once protection order is passed, the Competent Authority would monitor its implementation and can review the same in terms of follow-up reports received in the matter. However, the Competent Authority shall review the Witness Protection Order on a quarterly basis, based on the monthly follow-up reports submitted by the Witness Protection Cell.”**

5. Admittedly, the withdrawal of protection to the petitioner was not based on any orders of the Competent Authority passed under Rule 8.

6. In the light of foregoing discussion, the Writ Petition is disposed of at the stage of admission, with following directions:

1. The Competent Authority under Witness Protection Scheme, 2018 of Kadapa District shall consider the representation of the petitioner submitted on 20.07.2024, as per the procedure and timelines laid down under Witness Protection Scheme, 2018.

2. Till then, the security protection of 1+1 provided to the petitioner, as per earlier orders of the Competent Authority be restored forthwith and be continued until orders passed by the Competent Authority on the representation of the Writ Petitioner.

7. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.