

APHC010282122025



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

[3457]

THURSDAY, THE TENTH DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 14239/2025

Between:

1. KADURU CHINNAPPANNA, S/O. LATE CHINNA RAO, AGED ABOUT 35 YEARS, OCC FORMER SPECIAL OFFICER, ANDHRA PRADESH BHAWAN, GOVT, OF ANDHRA PRADESH, R/O. 1-36, COLONY, PAMULAVALASA, VIZIANAGARAM.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY - HOME DEPARTMENT VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT, A.P.
2. THE DIRECTOR, CENTRAL BUREAU OF INVESTIGATION, 15-B, CGO COMPLEX, LODHI ROAD, NEW DELHI-110003.
3. THE DIRECTOR GENERAL OF POLICE, ANDHRA PRADESH STATE POLICE, AMARAVATHI, GUNTUR DISTRICT.
4. TIRUMALA TIRUPATI DEVASTHANAMS, REP. BY ITS EXECUTIVE OFFICER, KT ROAD, SRINIVASA NAGAR, TIRUPATI.
5. S VEERESH PRABHU, , S/O. NOT KNOWN TO THE PETITIONER, AGED MAJOR, OCC JOINT DIRECTOR, CBI, HYDERABAD.
6. MURALI RAMBHA, , S/O. NOT KNOWN TO THE PETITIONER, AGED MAJOR, OCC SUPERINTENDENT OF POLICE, CBI, VISAKHAPATNAM.
7. SARVASHRESHT TRIPATHI, S/O. NOT KNOWN TO THE PETITIONER AGED MAJOR, OCC INSPECTOR GENERAL,

AP STATE POLICE, GUNTUR.

8. GOPINATH JATTI, S/O.NOT KNOWN TO THE PETITIONER AGED MAJOR, OCC DIG, VISAKHAPATNAM RANGE, VISAKHAPATNAM.
9. SATYA KUMAR PANDA, , S/O.NOT KNOWN TO THE PETITIONER, AGED MAJOR, OCC NOMINEE OF FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA OFFICE OF SIT, OLD SVBC BUILDING, TIRUPATI.
- 10.J VENKAT RAO, , S/O.NOT KNOWN TO THE PETITIONER, AGED MAJOR, OCC INVESTIGATION OFFICER, SPECIAL INVESTIGATION TEAM, OLD SVBC BUILDING ALIPUR, TIRUPATI - 517501.

...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 Pleased to issue a Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring for free and fair investigation before the SIT constituted as per the directions of the Hon'ble Supreme Court in WP(C)No.622/2024, dated 4.10.2024 and enforcing his fundamental rights enshrined under Article 14 and 21 of the Constitution of India and seeking a declaration that the manner and conduct of the SIT officials are illegal,arbitrary,without jurisdiction and contrary to the orders of the Hon'ble Supreme Court of India.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased Pleased to grant interim directions directing the Respondent-No. 1 to provide security as the Petitioner life is threatened by the malafide Actions of the Respondents pending disposal of the above writ petition and pass

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased Pleased to grant interim directions directing the Respondents not to take any coercive action against the Petitioner

herein basing upon the Petitioner's statement which was forcibly obtained and was coerced, pending disposal of the above writ petition and pass

IA NO: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant interim directions directing the Respondents to conduct the proceedings in-camera in the presence of the Advocate for the Petitioner pending disposal of the above writ petition and pass

IA NO: 4 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim order dated 19.06.2025 in the interest of justice and to pass

Counsel for the Petitioner:

1.UDAY KUMAR VAMPUGADAVALA

Counsel for the Respondent(S):

1.GP FOR HOME

2.P S P SURESH KUMAR, Spl. Public Prosecutor for CBI

The Court made the following:

THE HON'BLE SRI JUSTICE HARINATH. N**WRIT PETITION No.14239 of 2025****ORDER :**

1. The petitioner is seeking a direction for free and fair investigation by the SIT constituted as per the directions of the Hon'ble Supreme Court in WP.(C).No. 622 of 2024, dated 04.10.2024. A further declaration that the manner and conduct of the SIT officials is to be declared as illegal, arbitrary, without jurisdiction and contrary to the orders of the Hon'ble Supreme Court.
2. Sri.C.Nageswara Rao, learned senior counsel appearing for the petitioner submits that on 31.05.2025, the petitioner received a notice from the respondent No.10 requiring the petitioner to appear on 02.06.2025. The petitioner was subsequently recalled under a fresh a notice dated 02.06.2025 was issued calling upon the petitioner to appear on 03.06.2025. It is submitted that the petitioner was compelled, forced and intimidated to record various scripted false statements before the SIT and the proceedings were recorded by a Video Camera. It is submitted that, the petitioner was forced to give statements to the dictates of the 10th respondent. It is submitted that, the petitioner statements were re-recorded 7 to 8 times and the earlier recorded statements were deleted after recording the fresh

statement. It is submitted that the entire process was carried out in presence of nine police officers who included two Deputy Superintendent of Police, Two Circle Inspectors, Sub-Inspectors, one CBI Officer and others.

3. The State Government had constituted a SIT for conducting investigation in Crime No.470 of 2024. Writ Petition (Civil).No.622 of 2024 was filed before the Hon'ble Supreme Court of India and on 30.09.2024 the Hon'ble Supreme Court had passed an order duly considering that *the Chief Minister of Andhra Pradesh had gone in public making a statement on 18.09.2024 that Ghee containing animal fat was being used to make Prasadam Laddus at Tirupati Tirumala under previous regime. It was also observed that some press reports reported that the Executive Officer of Tirumala Tirupati Devasthanam made a contrary statement that adulterated Ghee was never used.*

4. The Hon'ble Supreme Court came to a prima facie view that it was not appropriate on part of the High Constitutional Functionary to go in public to make a statement which can affect the sentiment of crores of people and when investigation to find out adulterated Ghee was used to make Laddus was under way.

Accordingly, the learned Solicitor General was requested to assist the Court in the matter whether the SIT appointed by the State Government should continue or the investigation should be conducted by an independent agency and the matter was posted to 03.10.2024. On 03.10.2024 the matter was directed to be listed on 04.10.2024.

5. The learned senior counsel submits that the Hon'ble Supreme Court disposed off the writ petition on 04.10.2024 by issuing the following directions in para 11 is as follows ;

11. We, therefore, dispose of these petitions with the following directions ;

- i. Two officers from the CBI, to be nominated by the Director, CBI.*
- ii. Two officers from the Andhra Pradesh Police, to be nominated by the Government of Andhra Pradesh.*
- iii. One senior officer of the FSAAI, to be nominated by the Chairperson of the FSAAI.*

6. In pursuance of the orders of the Hon'ble Supreme Court the Central Bureau of Investigation vide order dated 18.10.2024, the following persons were named as members of the SIT

- i. Shri S.Veeresh Prabhu, IPS, JD&HOZ, CBI, Hyderabad Zone, Hyderabad.*
- ii. Shri Sarvashresth Tripathi, IPS, IGP, AP Police, Guntur Ranger, Guntur.*

- iii. Shri Gopinath Jatti, IPS, DIG, AP Police,
Visakhapatnam Range, Visakhapatnam.*
- iv. Shri Murali Rambha, IPS, SP & HOB,
CBI, ACB, Visakhapatnam.*
- v. Dr.Satyen Kumar Panda, MFSc. Ph.D.,
Advisor (Quality Assurance), FSSAI.*

7. The aforesaid SIT shall work under the overall supervision of the Director, CBI. The said order also indicates that the SIT is constituted comprising of Officers of CBI nominated by the Director, Officers nominated by the Government of Andhra Pradesh and Food Safety and Standards Authority of India for the purpose of deeper probe into the allegations regarding the manufacture/preparation of Prasadam and the Trust.
8. It is submitted that the entire investigation is being derailed and is being conducted with predetermined motive and the witnesses are being pressurized to depose to the dictates of the 10th respondent and other police officers.
9. The learned senior counsel for the petitioner further submits that the 10th respondent is not a member of the SIT which was constituted in pursuance of the directions of the Hon'ble

Supreme Court while disposing off the WP.(Civil).No.622 of 2024.

10. It is submitted by the learned senior counsel for the petitioner that the 10th respondent initially conducted investigation on the allegations of supply of adulterary cow ghee to Tirumala Tirupati Devasthanam in Crime No.470 of 2024 on the file of Tirupati East Police Station.

11. As per the orders of the Hon'ble Supreme Court the SIT which was constituted by the State of Andhra Pradesh was substituted as per the directions of the Hon'ble Supreme Court. It is also submitted that the Hon'ble Supreme Court at para 9 of the order dated 04.10.2024 held as follows ;

9. However, in order to assuage the feelings of crores of people/devotees, we find that the investigation should be conducted by an independent SIT consisting of the representatives of the Central Bureau of Investigation (CBI), representatives of the State Government and a representative of the Food Safety and Standards Authority of India (FSSAI). We further find that it will be appropriate that the investigation is carried out under the supervision of the Director of CBI.

12. The learned senior counsel submits that the 10th respondent is not the member of SIT, however, has been repeatedly issuing notice(s) to the petitioner calling upon him to appear as a witness before the SIT office at Tirupati on 03.06.2025 for the purpose of investigation.

- 13.** The legal point raised by the learned senior counsel is whether the 10th respondent can assume the charge as a member of SIT though he is not officially named as a member of the SIT on behalf of the Government of Andhra Pradesh. It is also submitted that as per the notice dated 02.06.2025 issued under Section 179 Bharatiya Nagarik Suraksha Sanhita, 2023 the 10th respondent designates himself as Investigating Officer. It is submitted that he could not have assumed the role of an investigating officer when he is not a part of the SIT which was substituted on the directions of the Hon'ble Supreme Court.
- 14.** The learned standing counsel appearing for the 2nd respondent submits that the SIT constituted by the Hon'ble Supreme Court is not a party to the proceedings. It is also submitted that the Director of CBI had acknowledged the investigation of the 10th respondent and directed him to continue investigation.
- 15.** It is further submitted that the Director of CBI had called for a meeting of the SIT Officers constituted by the Government of Andhra Pradesh and the SIT Officers who substituted the SIT formed by the Government of Andhra Pradesh. The meeting was called for entrusting the investigation to the newly constituted SIT

which shall conduct investigation under the supervision of the Director of CBI.

- 16.** The Director of CBI after the meeting was satisfied with the line of investigation conducted by the 10th respondent and directing him to continue as investigating officer and conduct investigation in a professional manner under the SIT by taking necessary assistance from the CBI and also State Police.
- 17.** The learned standing counsel further submits that the SIT would require the assistance of men for preparation of notice(s), service of notice(s), etc., and in the capacity of the supervisory authority had taken the assistance of 10th respondent for investigation. It is submitted that such action cannot be found fault with as the decision has been taken by the Director, CBI only for the purpose of investigation. The learned standing counsel for the 2nd respondent places reliance on **H.N.Rishbud and another Vs. State of Delhi**¹, the Hon'ble Supreme Court of India dealt with the issue of conduct of investigation in breach of mandatory provision and the duty cast upon the Court when such breach is brought to its notice at the early stage of trial. It was held that the illegality could be cured and the defect rectified by order

¹ (1954) 2 SCC 934

reinvestigation as the circumstances of an individual case may call for. **Bhanuprasad Hariprasad Dave, Rajuji Gambhirji Vs. State of Gujarat**², the Hon'ble Supreme Court had held that the first investigation was not in accordance with law, but it is in no sense non est. The statements recorded by the police officer can be considered. **State of Bihar and others Vs. Anil Kumar and others**³, the Hon'ble Supreme Court dealt with an issue where the officer below the rank of DSP conducted investigation in a case registered under SC/ST Act and held that no purpose would be served to any party to agitate the issue seeking reinvestigation and dismiss the appeal filed by the accused.

18. Heard the learned senior counsel for the petitioner and the learned counsel standing counsel for the respondents 2 and 4.

19. The order of the Hon'ble Supreme Court makes it very clear investigation should be conducted by an independent SIT consisting of the members referred to above and the investigation was entrusted to the independent agency consisting of the members referred to above. In such circumstances the CBI could not have nominated the 10th

² 1968 SCC OnLine SC 81

³ (2017) 14 SCC 304

respondent as the investigating agency contrary to the directions of the Hon'ble Supreme Court of India.

- 20.** The Hon'ble Supreme Court on 30.09.2024 has requested the learned Solicitor General of India to assist the Court in deciding whether the investigation by the SIT which was appointed by the Government of Andhra Pradesh or the investigation should be conducted by an independent agency.
- 21.** On 04.10.2024, the learned Solicitor General of India on instructions has submitted before the Hon'ble Supreme Court that he has enquired about the credentials of the members of the SIT constituted by the State Government and found that all the members of the SIT constituted by the State Government have good reputations and also stated that there shall be no issue if the investigation is conducted by the said SIT. However, the Hon'ble Supreme Court constituted an independent agency only to assuage the feelings of crores of people/devotees having faith in the deity.
- 22.** The very purpose of entrusting the investigation by substituting the SIT constituted by the state ought to have been unambiguously interpreted by the Director, CBI and ought to

have named any one of the officer of the reconstituted SIT as an investigating officer.

23. The SIT constituted by the State vide GORT.No.1660, dated 26.09.2024 consisted of the following members ;

Sl.No	Details of Officers	Role
1.	Sri.Sarvashresth Tripathi, IPS, IGP Guntur Range	Head
2.	Sri Gopinath Jatti, IPS, DIG, Visakhapatnam Range	Member
3.	Sri. V.Harshavardhan Raju, IPS, SP, YSR Kadapa District	Member
4.	Sri Venkat Rao, Addl.SP, Admn, Tirupati District	Member
5.	Sri. G.Sitarama Rao, Dy SP	Member
6.	Sri. J.Sivanarayana Swamy, Dy.SP	Member
7.	Sri. T.Satyanarayana, Inspector SB Annamayya District	Member
8.	Sri.K.Umamaheswar, Inspector, NTR Police Commissionerate, Vijayawada	Member
9.	Sri M.Suryanarayana, CI, Kalluru, Chittoor District.	Member

24. The SIT constituted by the State was substituted by the SIT which was reconstituted with the directions of the Hon'ble Supreme Court of India and the 10th respondent is not specifically named as Officer representing the State in the SIT constituted in pursuance of the directions of the Hon'ble Supreme Court.

25. The submissions of the learned standing counsel that the Director, CBI is empowered to nominate the 10th respondent as

investigating officer is unsustainable. The judgments relied upon by the learned standing counsel cannot be made applicable to the peculiar facts and circumstances of the present case. The case on hand involves religious sentiments of the crores of devotees and the cloud on the invaluable sacredness of the Laddu Prasadam is being investigated.

- 26.** The two SIT members i.e., Sri.Sarvashresth Tripathi, IPS, IGP Guntur Range and Sri Gopinath Jatti, IPS, DIG, Visakhapatnam Range, who were recommended by the State in the reconstituted SIT were already members of the SIT constituted by the State. Inclusion of 10th respondent as investigating officer over and above the number of reconstituted SIT is not permissible and would certainly over reach the directions of the Hon'ble Supreme Court of India.
- 27.** The Director, CBI could not have directed the 10th respondent to conduct investigation. The said direction is contrary to the directions of the Hon'ble Supreme Court in para 9 of the WP.(Civil).No.622 of 2024. The proceedings dated 28.10.2024 has been issued by the Director overreaching the orders of the Hon'ble Supreme Court of India.

28. For the aforementioned reasons, the writ petition is allowed directing the respondent No.2 to conduct a free and fair investigation by supervising the investigation which is to be conducted by the SIT reconstituted as per the directions of the Hon'ble Supreme Court in WP.(C).No.622 of 2024.

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

JUSTICE HARINATH.N

Dated 10.07.2025
KGM

THE HON'BLE SRI JUSTICE HARINATH. N

WRIT PETITION No.14239 of 2025

Dated 10.07.2025

KGM