

HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.39856 OF 2018

ORDER: *(Per Hon'ble Sri Justice S.V.Bhatt)*

The Additional Superintendent of Police, Tirumala, Urban Police District, Tirupathi, Chittoor District, A. P. is the petitioner.

The petitioner challenges the order dated 04.04.2016 in Case No.5/1/3/2015 dated 04.04.2016 of National Human Rights Commission, Law Division, directing the Chief Secretary, State of Andhra Pradesh to pay compensation of Rs.20,000/- to the complainant Sri S.Gunasekaran.

The circumstances leading to the filing of the complaint before the National Human Rights Commission are that the Police of Tirupathi detained Gunasekaran, Bureau Chief of Sun TV Network for more than seven hours on 10.12.2014 during the visit of the President of Sri Lanka to the pilgrim town of Tirupathi. To the show cause notice issued by the National Human Rights Commission, one of the reasons for detention given by the Department is that the detention of Gunasekaran for seven hours was due to Gunasekaran's failure to show the identity card as Press Reporter or Journalist. The department referred to the power under Section 151 of Criminal Procedure Code for detaining the said Press Reporter. The National Human Rights Commission/1st respondent after taking note of the nature of violation and also the truth in the explanation given by the Police Department, directed payment of

compensation as noted above. Hence, the writ petition at the instance of the Additional Superintendent of Police.

We have perused the record particularly the reply and also the circumstances under which the Police admit to have kept the Press Reporter in custody. Firstly, we are of the view that the National Human Rights Commission within its jurisdiction or competence had taken note of a right violated by the Police and was satisfied that a case for imposing compensation is made out. The basic facts and circumstances since are not in dispute, the conclusion drawn by the 1st respondent on the very peculiar facts and circumstances of this case, we are of the view that no ground for interference under Article 226 of the Constitution of India is made out. This order as already noted is in the peculiar facts and circumstances of the case and will not be treated as precedent for any purpose on the State's liability to pay compensation and/or for any adverse remark against the officer who has discharged his duty.

The writ petition is disposed of with the above clarification.

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

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

Date:09.11.2018
Stp