

NARA CHANDRABABU NAIDU

President, Telugu Desam Party &
Leader of Opposition
AP Legislative Assembly
Government of Andhra Pradesh



Phone : 0863 - 2499999
E-mail : ncbn@telugudesam.org

Date : 19.09.2019

His Excellency Sri Biswabhushan Hari chandan ji,

Subject : Misuse and abuse of Law & Order and criminal investigation in the State of A.P. by the State Hierarchy – Harassing the opposition party leaders and people/cadre supporting TDP - threatening democracy – Seeking indulgence – Reg.

In General Elections – 2019, in the State of Andhra Pradesh, YSR Congress Party (YSRCP) came into power. The new Government was formed on 30-05-2019. Since then from MLA to the Chief Minister started harassing Telugu Desam Party (TDP) leaders and the cadre under the guise of registering crimes under non-bailable offenses and the investigation especially in respect of alleged incidents said to have occurred long back. The entire police force from top to bottom was made to crawl as per the dictum of the Chief Minister, Ministers, MLAs, and the Director General of Police and to give a go-by to the rules, Acts and the law.

A new modus operandi is adopted to malign and to harass the opponents and misleading the public under the guise of disseminating information/news. Smt. Bharathi, Chairperson of Jagathi Publications, who is facing enforcement directorate (ED) charges, and who is wife of Mr. Y.S. Jagan Mohan Reddy, Chief Minister and president of YSRCP, has been running a Telugu news channel called as “Sakshi T.V.” and publishing a Telugu

NARA CHANDRABABU NAIDU

President, Telugu Desam Party &
Leader of Opposition
AP Legislative Assembly
Government of Andhra Pradesh



Phone : 0863 - 2499999

E-mail : ncbn@telugudesam.org

news daily called as “Sakshi”. Those are news channel and news daily of YSRCP. Simultaneously, YSRCP top leaders like Mr. Vijayasai Reddy and others have been tweeting (enlosure-1) and instigating their party cadre through social media to lodge complaints against their political opponents especially TDP leaders and the cadre. The police personnel readily go on registering the cases, giving a go by to the law and the procedure code. After registering the case, the allegations and about registering the case are being telecasted in their Sakshi news channel and being published in their Sakshi daily as if the persons against whom the case is registered have committed the offences and defaming them among the public. Thereafter under the guise of investigation of the cases, the police are harassing the persons. Ultimately, they created an atmosphere of driving the persons to the corner of helplessness. They created circumstances driving Dr. Kodela Siva Prasada Rao, who was the former Minister and the former Speaker of the State Legislative Assembly to commit suicide.

After General Elections – 2019, the police registered as many as 18 cases against Dr. Kodela and his family members. The particulars of the crimes are as follows.

List of the cases :

Crime No.123/2019 of Narasaraopet I Town P.S.,

Crime No.131/2019 of Narasaraopet I Town P.S.,

Crime No.132/2019 of Narasaraopet I Town P.S.,

Crime No.136/2019 of Sattenapalli Rural P.S.,

NARA CHANDRABABU NAIDU

President, Telugu Desam Party &
Leader of Opposition
AP Legislative Assembly
Government of Andhra Pradesh



Phone : 0863 - 2499999
E-mail : ncbn@telugudesam.org

- Crime No.149/2019 of Sattenapalli Town P.S.,
- Crime No.153/2019 of Narasaraopet I Town P.S.,
- Crime No.163/2019 of Narasaraopet I Town P.S.,
- Crime No.164/2019 of Narasaraopet II Town P.S.,
- Crime No.166/2019 of Narasaraopet II Town P.S.,
- Crime No.167/2019 of Narasaraopet II Town P.S.,
- Crime No.169/2019 of Narasaraopet II Town P.S.,
- Crime No.172/2019 of Narasaraopet I Town P.S.,
- Crime No.198/2019 of Narasaraopet II Town P.S.,
- Crime No.231/2019 of Narasaraopet Rural P.S.,
- Crime No.235/2019 of Narasaraopet Rural P.S.,
- Crime No.238/2019 of Narasaraopet Rural P.S.,
- Crime No.244/2019 of Thullur P.S.,
- Crime No.245/2019 of Narasaraopet Rural P.S.,

All these crimes are registered within the span of two months. In all the crimes, the alleged incidents said to have occurred in the year 2014, 2015, 2017 and 2018. These informants have not explained in their reports why they did not approach the police at that time or otherwise the alternative independent forums. The allegations suffer from want of particulars of when occurred and are vague. Most of the complaints do not contain the date when those were signed.

NARA CHANDRABABU NAIDU

President, Telugu Desam Party &
Leader of Opposition
AP Legislative Assembly
Government of Andhra Pradesh



Phone : 0863 - 2499999

E-mail : ncbn@telugudesam.org

Even assuming that these complaints are not contradicted, no court in India would be in a position to convict any person basing on such vague, unfounded, baseless and delayed allegations. The following are few examples...

One Budumuru Naga Raju, former Ranzi Cricketer lodged report alleging that Dr.Sivaram S/o. Dr.Kodela promised to secure job in Railways and collected money and failed to secure the job. He further alleged that then it was brought to the notice of Dr.Kodela, he did not respond. Basing on such allegations, police registered crime of cheating against Dr.Sivaram and Dr.Kodela. Mr. Naga Raju is a notorious criminal and an anti-social element. Sakshi daily and news channel made gobel propaganda about these allegations and made the people to believe such allegations. In reality, Naga Raju, the complainant was earlier convicted for impersonating BCCI Chief Selector, Mr. M.S.K. Prasad.

Another example is that one Kandukuri Buchi Venkayamma lodged a complaint alleging that in the year 2016, her brothers in-law sold away acres 0.01^{1/4} cents of land belonging to her son and further alleging that her brothers in law are followers of son of Dr. Kodela and further alleged that when it was brought to the notice of the son and the daughter of Dr. Kodela, they supported brothers-in-law. This compliant was registered as crime against daughter and son of Dr. Kodela without looking into whether it is a civil dispute or not whether Venkayamma has locus to complain or not.

One Mr. Ravi lodged a report alleging that when he went to guest house at Narsaraopet to meet Dr. Sivaram who in turn

NARA CHANDRABABU NAIDU

President, Telugu Desam Party &
Leader of Opposition
AP Legislative Assembly
Government of Andhra Pradesh



Phone : 0863 - 2499999

E-mail : ncbn@telugudesam.org

scolded Mr. Ravi in the name of caste. This complaint was readily registered as crime for the alleged offences under section 420 and SC & ST (POA) Act without minimum verification of facts. The fact remains that Dr. Sivaram was in abroad as on the date of alleged incident said to have occurred at Narsaraopet. Whereas, Mr. Ravi had already been in jail on the allegation of committing cheating in the name of promising jobs.

Dr. Kodela was the Speaker of A.P. State Legislative Assembly during 2014 and 2019. He demitted office on 23-05-2019. In view of shifting of the Assembly from Hyderabad to Amaravati, CRDA provided entire infrastructure including furniture and office equipment. The used furniture and electronic items became surplus and there was space constraint at new assembly premises. The custodians of these articles kept some of them in the official residence and camp offices of the Speaker for safety and usage. Dr. Kodela after demitting office, as per the settled convention and practice being followed, wrote letters to the secretary on 7th June, 2019 (enclosure-2) itself requesting to assess the cost of the furniture and electronic items to enable him to pay its value. Subsequently, the same letter was circulated on 18th June 2019 by the department to the concerned section officer. Since there was no response, he submitted another letter on 20th August, 2019 (enclosure-3) to the Hon'ble Speaker as the secretary refused to receive the letter. On 23rd August 2019, Dr. Kodela has sent another letter through courier (enclosure-4) with same content to the Secretary, AP Legislative Assembly. Even then there was no response. Dr. Kodela had filed writ petition seeking a direction to the secretary to take back the furniture and other items.

NARA CHANDRABABU NAIDU

President, Telugu Desam Party &
Leader of Opposition
AP Legislative Assembly
Government of Andhra Pradesh



Phone : 0863 - 2499999
E-mail : ncbn@telugudesam.org

Whereas, on 22nd August, 2019, Mr. Gopireddy Srinivasa Reddy who is MLA of Narasaraopet lodged a complaint to the Secretary who in turn basing on such complaint, got the premises verified and the furniture seized and disclosed to the electronic media on 23rd August, 2019. Within no time, in reference to the complaint and the seizure, the Secretary submitted a written report to the SHO, Thulluru Police Station on 24th August, 2019. On the same day, the Police registered as Crime No. 244/2019 for the offences U/ss. 409 and 411 IPC (enclosure-5) against Dr. Kodela and his son. The Sakshi daily and news channel projected as if he committed theft of the furniture of the Assembly. The offence registered is under criminal breach of trust by a public servant for which the punishment prescribed is imprisonment upto 10 years and the life. They defamed Dr. Kodela and made stigma on him as if he committed theft of the furniture and harassed him.

Section 409 deals, Section 409 in The Indian Penal Code 409. *Criminal breach of trust by public servant, or by banker, merchant or agent.—Whoever, being in any manner entrusted with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust in respect of that property, shall be punished with 1[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.*

411. *Dishonestly receiving stolen property.—Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be*

NARA CHANDRABABU NAIDU

President, Telugu Desam Party &
Leader of Opposition
AP Legislative Assembly
Government of Andhra Pradesh



Phone : 0863 - 2499999

E-mail : ncbn@telugudesam.org

punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

On one hand, they made the police personnel to register as many as 18 cases against his daughter and his son. On the other hand they registered the crime against him for the alleged offence of committing criminal breach of trust. Ultimately they created a situation driving Dr. Kodela to commit suicide. The Sakshi media of YSRCP did not leave even at this stage. They tried to create as if it was a murder of culpable homicide.

It is pertinent to mention here that when Sri. Y.S. Vivekananda Reddy was brutally murdered/assassinated in his house in the month of March, 2019, the entire evidence was screened out and applying bandages to the injuries and thereafter the Sakshi channel aired news as if he died of heart attack and without informing to the police, he was taken to the hospital and unsuccessful efforts were made to cremate the body without conducting post mortem. When the issue comes to the suicide of Dr. Kodela, the same Sakshi channel attempted to spread false news as if he was murdered by his son who was in abroad at that time. After knowing he was in abroad, YSRCP got lodged a report by his own party person claiming to be the relative of Dr. Kodela complaining that he was killed by his son. This is a glaring example that how a politician with a chronic criminal background and owning a media house, heading a political party which leaders are tainted with faction ridden politics and are facing the criminal trial by CBI for committing huge financial offences, would target the opponents and misguide the public with malified intentions to defame the opposition leaders. In this context we would like to refer the

NARA CHANDRABABU NAIDU

President, Telugu Desam Party &
Leader of Opposition
AP Legislative Assembly
Government of Andhra Pradesh



Phone : 0863 - 2499999

E-mail : ncbn@telugudesam.org

observations made by the Hon'ble Supreme Court of India in the YS Jaganmohan Reddy case:

....while dealing with bail plea in cases involving criminal conspiracy to commit economic offences of huge magnitude relating to public money ought to be strict as fraudulent transactions affect the economic system to the detriment of the country. It was pertinently observed that economic crimes of such mammoth scale are carefully planned and executed. (The same was referred, while dealing with the bail application filed P. Chidambram by the Hon'ble High Court of Delhi).

It is bring to your kind notice that the present Government has issued Government Orders to release 13 prisoners (enclosure-6) involved in heinous crimes only to harass and threaten TDP leaders and cadre.

Similarly, Sri Somireddy Chandramohan Reddy, Politburo member of TDP and former Minister has been targeted. A case was filed against Sri Chandramohan Reddy in August 2019 for a land transaction conducted in April 2017. Another example is that in view of call of Chalo Atmakur given by TDP where Dalits were driven out from the village by YSRCP personnel, Sri Nara Chandra Babu Naidu, President of TDP was illegally kept in house arrest on 11-09-2019. Mr. Kinjarapu Atcham Naidu, MLA of Tekkali went to the house of Sri Chandra Babu Naidu where Sri Atcham Naidu was prevented from entering into the house. He asked the police personnel that they have no authority to prevent him from entering into the house. For such small incident, Crime No. 517/2019 of Tadepalli Police Station was

NARA CHANDRABABU NAIDU

President, Telugu Desam Party &
Leader of Opposition
AP Legislative Assembly
Government of Andhra Pradesh



Phone : 0863 - 2499999

E-mail : ncbn@telugudesam.org

registered against him for the offences U/s. 341, 118, 353 and 506 IPC as if he obstructed the public servant from discharging duties. Much after registering this crime, Sri Perada Tilak who contested unsuccessfully against Sri Atcham Naidu in recent elections lodged a report in Tekkali Police Station for the same incident. The police at Tekkali readily registered the same as another Crime No. 208/2019 for the offences U/s. 353, 506, 188 IPC giving a go by to the settled law laid down by the Supreme Court. The police registered a crime against Smt. Nannapaneni Raja Kumari for committing no fault ignoring her right to go to the house of party leader and she was former Chairperson of A.P. Mahila Commission.

'Chalo Atmakur' was undertaken as dalits belonging to various villages in this region were socially ostracised and boycotted from their respective villages. In order to restore constitutional machinery and to provide confidence among the socially deprived sections of the society, TDP gave the call for 'Chalo Atmakur'. This was thwarted by the State Government by detaining TDP leaders and supporters across the State. Several leaders, including opposition leader and TDP National President, Sri Nara Chandrababu Naidu was detained in their respective houses. It appears that democracy is dying in the State, with State Government encouraging feudalistic tendencies by scuttling dissent voice of opposition, by haunting and harassing its detractors.

Under the guise of alleged comments or criticism against the Government made in social media, the police personnel are registering cases under non-bailable offences and also registering multiple cases at different police stations for same

NARA CHANDRABABU NAIDU

President, Telugu Desam Party &
Leader of Opposition
AP Legislative Assembly
Government of Andhra Pradesh



Phone : 0863 - 2499999

E-mail : ncbn@telugudesam.org

offence and further go on detaining / arresting the persons and harassing them. The Supreme Court of India in 2015 has struck down Section 66A of Information Technology Act, 2000 as going against the fundamental rights. However, the State police are registering and harassing people in the name of cases. Multiple cases are being filed in different police stations for the same alleged offence. Similarly when others give such complaints, the police personnel are not entertaining such complaints.

Lodging criminal cases alleging offences under SC & ST (PoA) Act to deny the right of seeking anticipatory bail from the Courts has become a norm in the State. For instance, there are multiple cases filed against Chintamaneni Prabhakar, former MLA, Denduluru constituency under the SC/ST (PoA) Act. The police themselves are openly encouraging general public to file cases against Mr. Prabhakar under the SC/ST (PoA) Act. In Amaravati, capital area itself around 30 cases have been filed under SC/ST (PoA) Act in order to threaten them for supporting TDP. These are only few examples.

The Supreme Court of India, in Lalita Kumari Case reported in “(2014) 2 SCC 1” laid down certain guidelines to be followed by the investigating agency. As per the guidelines, if there is any delay of more than three months in lodging report to the police, no crime shall be registered without conducting preliminary enquiry about the veracity of the allegations. As per the law laid down by the Supreme Court in Dilwar Singh Case reported in “(2007) 12 SCC 641” held that the delay offers an opportunity for the complainant to embellish or even fabricate the averments in the complaint. In Arnesh Kumar Case reported in “(2014) 8 SCC 273” The Supreme Court held that in all cases

NARA CHANDRABABU NAIDU

President, Telugu Desam Party &
Leader of Opposition
AP Legislative Assembly
Government of Andhra Pradesh



Phone : 0863 - 2499999

E-mail : ncbn@telugudesam.org

where the punishment prescribed is either upto 7 years or 7 years, the investigating officer shall follow the procedure prescribed under Sections 41 and 41-A Cr.P.C. (called as station bail) scrupulously. In Konidhana Ananda Sharma case, reported in "2017 (2) ALD (Cri) 576", the High Court held that procedure of Section 41 and 41-A Cr.P.C. shall be made applicable to the cases arising out of SC & ST (POA) Act. The Supreme Court, in T.T. Antony case reported in (2001) 6 SCC 181, held that there shall be one FIR for one incident. This principle was followed by the High Court in Akbaruddin Case.

The punishment prescribed for all the above referred cases is only upto three years. The police have not followed the principle of law laid down in Arnesh Kumar Case. In all the cases, the incidents said to have occurred in the year 2014, 2015, 2016, 2017 and 2018. Whereas the complaints were lodged in the months of June, July and August of 2019. The police have not conducted preliminary enquiry in any case before registering the crime as per the principle of law laid down in Lalita Kumari Case. The police went on registering multiple FIRs for a single incident contrary to law laid down in T.T. Antony case. Mr. Atcham Naidu case is the best example for violation of T.T. Antony case.

From June, 2019 onwards, there is no law and order in the state of Andhra Pradesh. From MLA to The Chief Minister are targeting the opposition party MLAs and the leaders and the people under the guise of investigation into the alleged crimes. The police personnel at field level have been expressing that they are acting as per the directions of hierarchy in power. If such situation is allowed to be continued, the people may lose faith in

NARA CHANDRABABU NAIDU

President, Telugu Desam Party &
Leader of Opposition
AP Legislative Assembly
Government of Andhra Pradesh



Phone : 0863 - 2499999

E-mail : ncbn@telugudesam.org

the system and it is not healthy for a democratic society. It is unfortunate that the person facing criminal trial in 12 charge sheets for committing economic offences to a tune of more than Forty Thousand Crores, is leading the state and targeting the political opponents to harass and to tarnish their image through police personnel, executive and his own media.

Further, multiple cases are filed against more than forty TDP leaders across the State after the formation of the YSRCP Government. This shows the tenacity with which the new Government is targeting opposition leaders and cadre in general and TDP in particular. This goes against the very ethos of dissent in democracy. Wherever and whenever TDP leaders and cadre are questioning the high handedness and arbitrary nature of the new Government the police are responding by filing section 353 IPC cases alleging prevention of public servant from discharging duty and false SC/ST (PoA) Act cases. Such cases are against the spirit of democracy and are strongly against the foundations of our Constitution.

Regarding the law and order and attacks on TDP supporters we have published two books, **1. Nagarika Prapanchamulo Anagarika Palana: Pulivendula Factionism Guppetho Rasthramu (Uncivilised rule in Civilised World: State under the grip of Pulivendula Factionism); 2. YCP Badhitulu Swagramamulo Nivasinche Hakku Kosam-Chalo Atmakuru (Chalo Atmakuru to restore the fundamental right of YCP victims to live in their Villages).** (enclosure-7) Both the books are enclosed for your perusal and request you to obtain a report on details furnished in these two books.

NARA CHANDRABABU NAIDU

President, Telugu Desam Party &
Leader of Opposition
AP Legislative Assembly
Government of Andhra Pradesh



Phone : 0863 - 2499999
E-mail : ncbn@telugudesam.org

In this backdrop, we request you to restore faith in the
democracy and uphold the Constitution.

with regards,


(NARA CHANDRABABU NAIDU)

To
His Excellency Shri Biswa Bhushan Hari Chandan,
Governor of Andhra Pradesh,
Vijayawada.