

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

W.P. No. /2020

BETWEEN

Sri. H. S .Doreswamy & other

...PETITIONER

AND

The state of Karnataka and other

.....RESPONDENTS

LIST OF DATES

| Sl No | Date | |
|-------|--------------------------|---|
| 1 | 18.12.2019 | Prohibitory orders were issued by Respondent No. 3 under section 144 of the CrPC, which was effective from 9:00 p.m. on 18.12.2019 to 20.12.2019. |
| 2 | 19.12.2019 12.30 Noon | Unarmed and peaceful people gathered at the DC office in Mangalore. |
| 3 | 19.12.2019 2 PM | Respondent Police started indiscriminate lathi-charge on people gathered peacefully at DC Office. |
| 4 | 19.12.2019 3 PM | Various people who were injured by the action of the Respondent No-3 were admitted at Wenlock Hospital and Highland hospital. |
| 5 | 19.12.2019 3 PM | Respondent No-3 visited the DC Office circle, and it can be seen in a video clipping he was instructing the fellow policeman in Hindi that "don't catch just beat." |

| | | |
|---|-------------------------------|--|
| 6 | 19.12.2019 4-40PM | The 2 nd Petitioner, being ex-mayor of the city of Mangalore and current ward member of the area, was called by the Police Commissioner at around 4:40 p.m. to come to the scene of the protest. The 2 nd Petitioner met with the police chief of Mangalore near Ibrahim Khaleel mosque, but the 2 nd Petitioner was himself injured by the Police while trying to help innocent persons who were trapped in the commotion. |
| 7 | 19.12.2019 4.50 to 5 PM | Two People were killed due to intentional firing by the Respondent No-3. |
| 8 | 19.12.2019 | The Police had visited the 2 nd Petitioner at Unity Hospital to take his statement, and he narrated the entire incident of how he was injured, but subsequently, he had discovered that though his information which constitutes cognizable offense the police authorities were not registered an FIR. |
| 9 | 19.12.2019 5.30 to 6 PM | The armed police entered the Highland hospital, including the ICU with fully armed without obliging the instructions of the hospital authority. These armed Police thereafter attacked people inside premises and fired tear gas shells, which has caused tremendous hardship to the patients of the hospital. |

| | | |
|----|--------------------------------|--|
| 10 | 19.12.2019 to 27.12.2019 | Several FIRs have been lodged against unknown people. Some of the FIR's are registered against "Unknown Muslim youth," including the two persons who were shot dead in the gunfire of the police, whereas no complaints have been registered by the Police, which is against them. |
| 11 | 28.12.2019 | The 2 nd Petitioner has submitted his complaint to the police, but so far, no FIR has been lodged by the Police. |
| 12 | 02.01.2020 | Police have issued an endorsement to the 2 nd Petitioner that his complaint will be investigated in Cr No:133/2019 of Mangalore North Police Station. |

SYNOPSIS

1. It is submitted that the enactment of the Citizenship Amendment Act, 2019 (CAA, 2019), has brought divisive attitude across the political spectrum wherein protest for and against the said law has been held all over the country. The country has been in turmoil with every state and union territory, except few, has engaged in rampant public engagement both for and against the enactment of the said law. In many parts of the country, including Karnataka, such protests have led to the death of citizens in Karnataka, Uttar Pradesh and other parts of the country.
2. It is submitted that after the enactment of the CAA, 2019 students of 40 reputed Universities have protested against the said Bill, as

per media reports. Furthermore, several protests have been held throughout the country even in the city of Bengaluru on 19.12.2019

3. It is submitted that since the Respondent has invoked the provision of Section 144 of Cr.P.C., did not take sufficient measure in order to de-escalate the situation in spite of knowing about the protest being held in the city but instead had taken an active role to teach a lesson to the protestors by using excessive force on them which has led injuries to various people and also death of 2 civilians.
4. It is submitted that the conduct of the police on 19.12.2019 at Mangalore, as revealed from video footages, clearly shows the illegal and atrocious manner in which the police have acted against not only people who have gathered peacefully and un-armed but also against innocent bystanders and specifically the attack on the mosque by police, where they resorted to throwing stones and objects, available on the ground also reveals the partisan approach of the police where the police have specifically targeted minorities. It is also submitted that the police had abetted and provided the protection to the people who went and ransacked the shops and also thrown stones at shops and people in the area.
5. It is submitted that the police had actively hunted down various people and tortured them on the street isolating individuals from the crowd and, thereafter, thrashing them with lathis and other means, which indicates the extent of excessive force used by the police even before they started the gunfire.
6. It is submitted that at around 4:30 to 5.P.M., when gunfire was inflicted upon people, it has led to the death of two persons and gravely injured several others who were neither armed nor provoked the police, which had warranted such an action.

7. It is submitted that subsequent to the event on 19.12.2019 as deliberated herein. The police had targeted people on social media platforms in order to implicate, intimidate, and threaten the people from raising even legitimate concerns against the action of the police.
8. It is submitted that the 2nd Petitioner was called by the Police officials at around 4:40 p.m. to help the police by accompanying them to talk to the protestors. It is submitted that the 2nd Petitioner accompanied the police to the Ibrahim Khaleel mosque. Thereafter, the 2nd Petitioner was attacked by the police. As a result, the 2nd Petitioner was unconscious, and he was taken to hospital and was admitted at the Unity Hospital Mangalore.
9. It is submitted that, while the 2nd Petitioner was taking treatment as an in-patient, Police officials recorded the statement; however, no action has been taken on the statement provided by the 2nd Petitioner. Subsequently, the 2nd Petitioner filed a complaint through registered post to the Station House Officer Bandar, Mangalore North, on 28.12.2019, but no FIR has been lodged on the basis of his complaint.
10. It is also submitted that the Petitioners had come to know through video footages recorded by the Journalist and from the various people who faced the brunt of the Police action on that day described that the Police attacked the students and innocent bystanders who were waiting for their bus at the Hamilton circle, State Bank bus stop with lathis.
11. It is submitted that subsequent to the aforesaid horrific event that occurred on 19.12.2019 which has led to death of two persons namely Abdul Jaleel and Nouseen Yane, but no FIR has been

lodged against the police authorities, but 32 FIR has been filed against unknown persons by the police under various section of the IPC and KPDLP Act.

12. It is also submitted that a close perusal of these complaints would reveal that there are no complaints against the police personnel for injury caused to persons due to police firing or lathi charge. However, the same was inflicted indiscriminately towards protesters and bystanders alike. Furthermore, it can also be observed that the Police have targeted online groups who have specifically voiced their concerns against the Citizenship Amendment Act, 2019.

13. The Petitioners being public-spirited persons after hearing various people's statements about this incident and also perused various visuals available on electronic media and social media, prefers this instant petition.

Place: Bangalore

Date:

Advocate for Petitioner

IN THE HIGH COURT OF KARNATAKA AT

BENGALURU

W.P. No. /2020 (P.I.L)

(Original Jurisdiction)

BETWEEN



...PETITIONER

AND

1. State of Karnataka
Represented by its Chief Secretary
VidhanaSoudha
Bangalore 5600001
2. State of Karnataka
Represented by its Principal Secretary
Home Department
VidhanaSoudha
Bangalore 560001
3. Office of Commissioner of Police,
Mangalore City Police
Pandeshwar, Mangalore
Karnataka 575001

...RESPONDENTS

MEMORANDUM OF WRIT PETITION UNDER ARTICLE 226 and

227 of THE CONSTITUTION OF INDIA 1950

The Petitioner above named most respectfully submits as follows:

1. The addresses of the Petitioners and the Respondents for the purpose of service of notice, summons etc., are as stated in the cause title.

2. The first Petitioner is the freedom fighter who got inspired by the reading book "My Early Life" by Mahatma Gandhi and joined the Indian National Freedom Movement. The 1st Petitioner was part of the Quit India Movement in the year 1942. The 1st Petitioner is an active participant in social activities to explore the ideas of democratizing socialism to meet the object envisaged in the preamble to the Indian Constitution. The 1st Petitioner has participated in the number of social movements led by the peoples of the Karnataka against the corruption, environmental issues, and other anti-people legislation and policies of the government. In 2014, the Petitioner spearheaded the anti-land grabbing protests in Bangalore. The 2nd Petitioner served as a Mayor of Mangalore city Municipality from 2005 to 2006. The 2nd Petitioner also served as a member of the Municipal Corporation, Mangalore, for three consecutive terms starting from 1997 to 2012.
3. The Petitioners are before this court in public interest, and in order to expose the atrocities committed by the Police on December 19, 2019, in the wake of protests happening against the Citizen Amendment Act, 2019 enacted by the Parliament of India, wherein the Petitioner himself along with several persons have been attacked, and two persons have been killed due to police firing at the crowd of protestors on 19.12.2019 at Mangalore, prefers this instant public Interest petition. The brief facts of this instant petition are as follows:

BRIEF FACTS OF THE CASE

4. It is submitted that the enactment of the Citizenship Amendment Act, 2019 (CAA, 2010), has brought divisive attitude across the political spectrum wherein protest for and against the said law has

been held all over the country. The country has been in turmoil with every state and union territory, except few, has engaged in rampant public engagement both for and against the enactment of the said law. In many parts of the country, including Karnataka, such protests have led to the death of citizens in Karnataka, Uttar Pradesh and other parts of the country.

5. It is submitted that after the enactment of the CAA, 2019, students of 40 universities have protested against the said Bill, as per media reports. Furthermore, several protests have been held throughout the country, even in the city of Bengaluru on 19.12.2019. However, all the protests in Bangalore and another part of Karnataka except Mangalore were peaceful.
6. It is submitted that Respondent No. 3, the Commissioner of Police, Mangalore City, had issued prohibitory orders on 18.12.2019, which were effective from 9 p.m. on 18.12.2019 to midnight of 20.12.2019. It is submitted that the said notification spoke of the emergent crisis and chaos that permeated throughout the country due to the incidents that took place at Jamia Muslim University in Delhi between the students and the Police. A copy of the said order is produced herewith and marked as **ANNEXURE-A**.
7. It is submitted herein that though the Respondent in-spite of having knowledge that prohibitory orders under section 144 of the CrPC has not taken sufficient measures to diffuse the situations but instead had taken an active role to escalate the problem in the region by using excessive force on them which has led to killing of innocent persons according to media reports.
8. It is submitted that on 19.12.2019 approximately around 12:30 p.m., in a largely leaderless unarmed 100-odd youngsters who are

unarmed peacefully sat in front of the DC office – with a few of them talking on the microphone about rights, accusing the Union government of destroying the constitutional values, and demanding that government authorities should not implement CAA and NRC. At around 1:30 p.m. to 1:40 p.m. additional police forces were brought in to the scene of the protests.

9. It is submitted that these protesters who had assembled at the DC Office are unarmed and very peaceful. However, without proper intimation and all of a sudden at around 2 PM, Police began lathi-charge indiscriminately on these gatherings who were unarmed and peaceful. It can be seen from the CCTV images and also the various camera to disperse the crowd, many of the protestors and even ordinary bystanders (waiting for the buses) near the DC's office are seen rushing from DC's office either towards adjacent Nellikai Road or towards Lady Goshen Hospital. Copy of these video clippings are produced in CD and marked as **ANNEXURE-B**.

10. It is submitted that the 3rd Respondent visited the DC Office circle at around 3 PM, and he can be heard speaking in Hindi in a video clipping that "Pakadna Math Sirf Maro."

11. It is further submitted that one Mr. Muzair, a member of the local peace committee along with a few leaders, contacted Mangaluru Police Commissioner and requested the commissioner to direct the police to stop the Lathi-charge immediately. They would also request people to stay indoors. These people also made several announcements by using loud-speakers available at Mosque.

12. It is submitted that around 3:30 p.m. to 3:45 p.m., the 2nd Petitioner was at home, got a call from a person near Highland Hospital who

told the 2nd Petitioner that many children were injured by lathi-charge and were being admitted to Highland Hospital. The 2nd Petitioner was also asked to come to Highland Hospital immediately, as it was the situation of panic and distress. The 2nd Petitioner immediately rushed to the hospital with two other persons and met with injured due to lathi-charge by the Police authorities, who were admitted in the said hospital. As the 2nd Petitioner was there in Highland Hospital, he received another phone call from one of his associates who were present in Wenlock Hospital, and the 2nd Petitioner was informed that some more injured persons were getting admitted in the said hospital. Immediately, the 2nd Petitioner rushed to the Wenlock Hospital with several other persons in a car. Once he reached there, the 2nd Petitioner saw some more persons were trying to be admitted in the said hospital who were injured by lathi charge. The 2nd Petitioner pleaded to the hospital administration to arrange facilities to admit the injured persons in private hospitals for immediate medical attention to all the injured persons since, at that time, the 2nd Petitioner noticed that even more injured persons coming to the said hospital.

13. It is submitted that moments later, the 2nd Petitioner's associates CM Musthafa Received a call on his mobile number 9448550025 at around 4.40 PM from mobile number 98345585750 who introduced himself as Varun Staff to the office of the 3rd Respondent. Through this phone, the 2nd Petitioner spoke to Commissioner, and the 2nd Petitioner requested the commissioner to stop lathi charge on innocent people. At that time, Respondent No. 3 asked the 2nd Petitioner to come to the place of incident

where the Police had lathi-charged the crowd. When the 2nd Petitioner reached the spot, Commissioner suggested that they should go to the place of the incident by department vehicle and address the agitated persons and de-escalate the situation, but immediately Respondent No. 3 changed his mind against it.

14. It is submitted that the Petitioner, along with some of the people, decided to request the people to disburse and go back home. The 2nd Petitioner was also making an attempt to request the Commissioner to stop the firing and Lathi charge, but they did not pay any heed to his request; instead, he was also got a significant blow on his head by the Police.

15. Subsequently, it is submitted that friends of the 2nd Petitioner admitted the 2nd Petitioner in the Mangalore Unity Hospital. It is submitted that while the 2nd Petitioner was taking treatment as an in-patient; Police officials came and took his statements, and he had narrated the entire incidents to them, but afterward, when he inquired, he learned that no action was taken on the basis of his statement. Subsequently, the 2nd Petitioner filed a complaint through registered post to the Station House Officer Bandar, Mangalore North, on 28.12.2019, but no FIR has been lodged on the basis of his complaint. Copy of the complaint and postal acknowledgment are produced and marked as **ANNEXURE-C.**

16. It is submitted that on 19.12.2019 at around 4:50 to 5:00 pm the Police officers continue to fire at the people and the police people were also seen in the various video clippings played in electronic media and social media beating indiscriminately whomever they found on the way including the people who have taken shelter in

their shops. Copy of these video clippings are already produced and marked as **ANNEXURE-B**

17. It is further submitted that in these videos it can also be seen, and the conversation can also be heard in which one Police Inspector Shantaram Kunder addressing at other police people who have gathered at Mangalore North (Bunder) Police Station in Kannada said "***Though we fired so many rounds why no one has died***" where shooting took place that though they have fired so many rounds no one died. It can also be seen in the video that the police are asking to fire to the private part of the people. Copy of this video is also produced along with this petition and already marked as **ANNEXURE-B**.

18. It is also submitted that various video footage it can be seen that the Police had attacked the students who were at the bus stand and innocent bystanders who were waiting for their bus at the Hamilton circle, State Bank bus stop with lathis indiscriminately. It can also be seen that the Police have chased various people and beating them in the middle of the streets. Various video clips disclose that the Police have ransacked the shops and beaten the people in the shops and also destroyed the shops.

19. It is submitted that various video clips also disclose that there are un-uniformed people along with the police that can be seen throwing stones and also attacking shops; however, the police who were present at that spot did nothing to prevent them from doing the same. This video clipping discloses that these private people have the full support of the police to act whatever they wanted. This copy of the video clipping is also already produced and marked as **ANNEXURE-B**.

20. It is submitted that the Police have continued to target the fleeing people even at the hospital. The armed police entered the Highland hospital between 5.30 PM to 6 PM, where the injured were admitted. The Police not only entered the hospital, including the ICU, with fully armed without obliging the instructions of the hospital authority. These armed Police thereafter attacked people inside premises and fired tear gas shells, which has caused tremendous hardship to the patients of the hospital. This copy of the video clipping is also already produced and marked as **ANNEXURE-B**.

21. It is submitted that subsequent to the aforesaid horrific event that occurred on 19.12.2019, which has led to the death of two persons, namely Abdul Jaleel and Nouseen Yane, and various people got injured. Still, no FIR has been lodged against the police officials involved in this case. However, though the NHRC guidelines mandate that the FIR should be booked against the policemen involved in the firing, no FIRs have been registered against them by the Jurisdictional Police. It is important to mention that though the law mandate that the FIR should be booked against the official involved in not against the dead person. The Respondent police have resisted a case against the dead person in Cr No:133/2019 by Mangalore North Police station showing the deceased persons are as accused in Sl. No. 3 and Sl No. 8, for offences punishable u/s 143, 147, 148, 188, 341, 427, 353, 332, 307, 149 of IPC& u/s 2(A), 2(B) KPDLP Act. Copy of the NHRC revised guidelines and the copy of the FIR are produced and marked as **ANNEXURE-D & ANNEXURE- E**, respectively.

22. However, there are the Respondent Police have registered about 32 FIR's in connection with the incident dated 19.12.2019 at Mangalore city. It is pertinent to mention that the some of the FIR's which have been registered by the Responded police are against unknown persons by referring in the Colum no 6 of the FIR as ***“unknown Muslim youth”*** and also mentioned the number of persons. It is brought to the notice of this Hon'ble Court that the some of the FIR in which the Respondent Police have invoked section 124A is registered against social media groups and mobile numbers as an accused person in Colum no 6 of FIR. It is submitted that the complainants in most of the FIR's are police personnel. A gist of the FIR is reproduced in the table produced hereby with this writ petition, and the same is marked as **ANNEXURE-F**. Copies of the FIR are also produced hereby, and they are marked as **ANNEXURE-G1 TO G31** Collectively.

23. It is also submitted that a close perusal of the complaints would reveal that there are no complaints against the police personnel for injury caused to persons due to police firing or lathi charge. However, the same was inflicted indiscriminately towards protesters and bystanders alike. Furthermore, it can also be observed that the Police have targeted online groups who have specifically voiced their concerns against the Citizenship Amendment Act, 2019. Copy of the complaint filed by various injured persons and photographs of the injured are produced and marked as **ANNEXURE-H1 TO H** Collectively.

24. It is submitted that these police violence, including beating up the innocent people and damaging the public property and stone-pelting, are recorded by the various newspapers and also police

personal. Some of these incidents are also recorded in the available CCTV's of the locality, which shows lighter on the details of the incidents. Copy of the Photographs are produced and marked as **ANNEXURE -J** Collectively.

25. It is submitted that similar violence has also taken place in Uttar Pradesh and Delhi. In the case of violence that occurred in Uttar Pradesh, the Hon'ble High Court of Allahabad has converted a letter into a Public Interest Litigation and issued notices to the Government of Uttar Pradesh. A copy of the said order is produced herewith and marked as **ANNEXURE-K**.

26. Being aggrieved by the illegal, arbitrary, malicious, motivated, deliberate, and wrongful actions of the Respondents, the Petitioners herein prefers this writ Petition in the nature of Public Interest on the following grounds.

27. The reliefs sought in the present petition are in the nature of public interest; hence there is no alternative and efficacious remedy except seeking relief under the extraordinary jurisdiction confirmed under Article 226 of the Constitution of India.

28. These Petitioners have not filed any other petition or appeal to any other litigation before any other court of law.

GROUND

29. It is submitted that the action of the Respondent is illegal, arbitrary, malicious, and wrongful, which is a clear violation of fundamental guarantees confirmed under the provisions of part III of the Constitution of India. Hence interference of this Hon'ble Court is just and necessary to mend the illegal acts of the Respondent police to render justice to the innocent injured person.

30. It is submitted that the Respondent Police resist the FIR's on their own complaint, and now they are continuing to investigate the same. The allegation in the various complaint in which FIR's have not been registered are directly against the Police officials and policeman. In this circumstance, there can't be a fair investigation at the hands of the Respondents police. The interest of the injured/victim can't be protected by the Respondent Police to render justice without the interference of this court.
31. From the audio/video recording available and produced hereinabove clearly discloses that the police officials have had a clear motive with the biased intention to target one religions community for various reasons and to satisfy the vested interest.
32. It is submitted that the action of the Respondent relating to the violence inflicted upon people on 19.12.2019 and thereafter is in clear violation of Article 19(1), 20, and 21 of the Constitution of India.
33. It is submitted that the action of Respondent No. 3 and the police authorities have clearly violated the rights of the citizens guaranteed under Article 19(1)(a) & (b) of the Constitution of India by committing uninitiated atrocious violence against people and thereafter registering FIR against them.
34. It is submitted that the action of the Respondent shows malice, and such action is a perverse implementation of their duty as Police and the provisions of Cr.P.C., and I.P.C.
35. It is submitted that the action of the Police in respect of the incident dated 19.12.2019 at Mangalore city is unmitigated excessive use of force against unarmed peaceful protesters. Since the Respondent Police had sufficient knowledge regarding the

possible gathering, which is evident from the prohibitory order issued by Respondent No. 3, produced hereinabove.

36. It is submitted that the High Courts and Supreme Court of India have laid down three essential pre-conditions before ordering for the use of force to disperse a crowd. They are: (1) there is an unlawful assembly with an object of committing violence or likely to cause disturbance to public peace (2) Executive Magistrate must order for the unlawful assembly to disperse. (3) In spite of such orders, the people do not move away.

37. It has also been held that on the one hand, law and order need to be restored, but at the same time, it is also to be ensured that unnecessary force or the force that is beyond what is absolutely essential is not used.

38. It has also been observed by that Supreme Court that use of police force, in cases of controlling people in unlawful assembly, becomes a serious problem when taking recourse to such an action, police indulges in excesses and crosses the limit by using excessive force thereby becoming barbaric or by not halting ever after controlling the situation and continuing its tirade. This results in a violation of human rights and human dignity. In the instant case on hand, the fact that the Respondent Police have acted in excess to their lawful power and crossing the legal jurisdiction fixed under the prevailing law of the land.

39. It has also been held that the primary task of the state is to ensure the safety and security to all its citizens without violating human dignity. Powers conferred upon the statutory authorities have to be, perforce, admitted. Nonetheless, the very essence of constitutionalism is that no organ of the State may arrogate to itself

powers beyond what is specified in the Constitution. In the instant case, it can be seen from the video and audio which have been marked hereinabove clearly discloses that the police have exceeded their jurisdiction and acted predetermined by targeting one religious community.

40. It has also been held that wherever the Court applies the test of "proximate and direct nexus with the expression," the court also has to keep in mind that the restriction should be founded on the principle of least invasiveness i.e., the restriction should be imposed in a manner and to the extent which is unavoidable in a given situation. The Court would also take into consideration whether the anticipated event would or would not be intrinsically dangerous to the public interest. But nothing has been reflected from the order of Section 144 of Cr.P.C.

41. It is submitted that the incident that has taken place on 19.12.2019 is a case of extrajudicial killing by police, especially when innocent persons have died. Thus, investigation in these cases are required to follow the procedures laid down by the Hon'ble Supreme Court of India.

42. It is submitted that FIR No. 133/2019 wherein Sl. No. 3 and Sl. No. 8 of the list of accused names the persons who were deceased by the gunfire of the police is contrary to the directions issued by the National Human Rights Commission on 29.3.1997, subsequently revised on 12.5.2010, which is recommended to be followed by all States/UT in country and has been confirmed by various Hon'ble High Courts of India. The Petitioner craves leave of the produce the relevant orders/directions at the time of the hearing.

43. It is submitted that the subsequent FIR registered under various sections of IPC, including section 124A based on complaints made by police officers indicate that the Police authorities have proactively targeted persons who have only exercised their fundamental rights by dissenting against the Citizen Amendment Act, 2019.
44. It is submitted that FIR No. 142/2019 to FIR No. 147/2019, produced herewith this writ petition, has alleged that subsequent to the protest, incendiary comments have been made in social media platforms. In this regard, it is submitted that the language of the said complaints as contained in the FIR indicates the biases against the one particular community, especially since the complainants in all the FIR aforementioned are police officers. Furthermore, it is pertinent to mention that no further incident of violence has occurred post 19.12.2019 at Mangalore.
45. It is submitted that the Supreme Court of India has laid down that there are three concepts that are fundamental in understanding the reach of this most basic of human rights i.e., freedom of speech and expression. The first is the discussion, the second is advocacy, and the third is incitement. Mere discussion or even advocacy of a particular cause howsoever unpopular is at the heart of Article 19(1)(a). It is only when such discussion or advocacy reaches the level of incitement that Section 124 (A) is attracted. Though no such incidents have happened, the Respondent police have booked various FIR's under Section 124(A) of IPC.
46. It is submitted that video footages and media reports both indicate that the protestors were peaceful and unarmed on that day and

there was no need to use the force which was inflicted upon innocent people moving in the vicinity which has been ended in causing serious injuries to people and also causing death of two innocent persons due to the lathi charge and gunfire.

47. It is submitted that complaints made against the police have not been registered as FIR, and the police authorities have issued an endorsement towards some complaints, which are produced herewith this writ petition, which is contrary to the law as held by the Hon'ble High Court of Karnataka.

48. It is submitted that various people who are witness to the incident are not in a position to depose since they are under the fear that they may be implicated in series of the FIR registered by the respondent police.

49. It is submitted that since the police had taken an active role in the commission of a crime against the section of people which reflect from the FIR resisted by the Respondent Police, the investigation will not be fair and just in the hands of the Respondents.

50. It is submitted that the subsequent actions of the police indicate malice and intention to suppress freedom of speech and expression by resorting to illegal and draconian measures.

51. It is submitted that the present situation warrants investigation through a Special Investigation Team under the supervision of the Hon'ble High Court of Karnataka in the interest of justice as the current situation.

GROUND FOR INTERIM RELIEF

52. It is submitted that the present investigation is in the hands of the local police against whom serious allegation and complaints have

been filed may do things and destroy the digital evidence available in order to protect them.

53. It is submitted that various allegations are against the Respondent police, and there is every chance that they will destroy the available digital evidence in order to protect themselves in order to screen themselves from criminal prosecution.

54. It is submitted that several other CCTV cameras which are affixed at public places, by the Private People and City Police and City administration as mandated by the Hon'ble Supreme Court of India, have also recorded the incident and various journalists who were present also recorded the incident which are instrumental evidence for fair and just investigations which would determine the truth, are also required to be preserved for investigation.

55. Police stations are required to have surveillance of CCTV cameras as per the direction of the Supreme Court of India, which would reveal the brutality and torture inflicted upon persons in custody of the police.

PRAYER

The Petitioner humbly submits that in light of the facts and circumstances mentioned hereinabove and in light of the Grounds set out in this petition the Petitioner humbly prays before the Hon'ble High Court of Karnataka and Your Lordships may be pleased to

(a) Issue writ of mandamus to Respondent No-3 to register the First Information Report in all the Compliant received from various injured persons and family members of deceased under appropriate provision of law.

(b) Issues Writ of Mandamus in the nature of Direction to Respondent No-1 to take necessary steps to constitute a

Special Investigation Team consisting of senior reputed Police officers headed by not below the rank of Additional Director of General Police officer to investigate into the FIR which resisted for the incident dated 19.12.2019 at Mangalore, under the direct supervision of this Hon'ble Court in the interest of justice and equity.

(c) Pass any other order in the interest of justice and equity.

INTERIM PRAYER

Pending disposal of the above writ petition and in order to meet the efficacy of the above writ petition issue following interim directions;

- a) Direct the Respondent No-3 register the First Information Report in all the Compliant received from various injured persons and family members of the deceased under appropriate provision of law.
- b) Direct the Respondent No-3 to preserve the footages of the CCTV camera from 19.12.2019 from 10 AM to 1 am on 20.12.2019 from all the CCTV potage installed by the Respondent Police, City administration and the private shoppers who have installed in the places where the incident took place.
- c) Direct the Respondent to collect the video recording done by the Police and the journalists who were present at the time of the incident.

Place: Bangalore

Date:

Advocate for the Petitioner