

Case No. 12 of 2011

Smti. Rina Debbarma Vs. Shri Pradip Saha,ASI of Police.

Custodial torture

Order dated 19-12-2012

This complaint by a young house wife of Lefunga relates to custodial torture of her husband Jenar Deb Barma in Durga Chowmuhani police out post by one Pradip saha , ASI of that out post. We dealt with this case partially in our annual report of 2011 at pages 19-22. The case has been finally closed in 2012.We therefore reiterate the fact in short.

On 27 .07.2011 Jenar was in Durgachowmohani market where he had a quarrel with one Suman Sarkar. Police brought both of them to the out post. It was alleged that after a brief interrogation Pradip Saha ,ASI, had severely beaten Jenar causing multiple injuries with his collar bone broken. But he was not shown arrested. No FIR or G.D. entry was recorded against him. His elder brother Julius came to the out post and got him released .The victim had to undergo prolonged treatment. But finally he came to be physically disabled and mentally ill. We observed in our earlier report that practically no disciplinary or criminal proceeding was instituted against Pradip Saha. Only after our intervention a criminal

case is reported to have registered. Its fate is still unknown. We have, however, closed the case recommending compensation of Rs. 50,000/- to be paid by Pradip Saha to the victim Jenar Deb Barma. We also observed that-

- (i) detention of Jenar without arrest was illegal.
- (ii) physical torture on Jenar by Pradip saha was violation of law and infringement of human rights.
- (iii) more stringent disciplinary action should have been taken against Pradip Saha. Mere 'censure' was not enough.
- (iv) The criminal cases if instituted, should be pursued sincerely and faithfully.

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Case No 14 of 2011

Papai Saha's Case.

Death by Police firing

Order dated 03-08-2012

On the basis of certain media reports that on 10th & 11 July 2011 there was police excesses on innocent people at Agartala following unrest in connection with medical admission test and one Papai Saha, a young man aged 20 years, died in police firing the Commission Suomotu proceeded to inquire into the matter calling upon the police to submit a report. Simultaneously two members of the Commission also conducted a preliminary inquiry. According to the preliminary inquiry report there were prima-facie evidence to take a view that Papai Saha had sustained fatal bullet injuries from gunshot by unknown member of the police force. An investigation by police was already taken up in that connection.

In our annual report 2011 we partly dealt with the matter at pages 23 and 24 as we could not conclude our inquiry. We noted there that PHQ refused to give report to us questioning jurisdiction of the Commission to inquire into a matter under investigation by police. But our inquiry was to be limited to compliance or otherwise of the guidelines formulated by the Apex court while opening fire. We did not

intend to launch a parallel inquiry into the death of Papai Saha. It seems the Police authority remained unconvinced and so did not send us any report in spite of our explaining the position. They simply informed that only after investigation it would be possible to inform us whether the death did occur due to police firing or otherwise. The police submitted charge-sheet after investigation against one Omar Sharif alias Shoaib Malik holding him responsible for shooting and causing death of Papai Saha. No police firing did at all occur. This being the position there remained nothing for us to inquire. Consequently on 03.08.2012 we closed the matter.

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Case No. 18 of 2011.

Smti. Sanarung Reans Vs. Md.Abdul Matin,O/C. of Khedachhara P.S.

Attempt to commit rape.

Order dated 02-01-2012.

In our Annual report 2011 we partly dealt with this case when it was pending, as certain important question of law regarding parallel inquiry by police did arise. We closed the matter on 02-01-2012 but had to pass another order on 12-09-2012 for the purpose of making legal position clear for guidance. It will be convenient to understand the issues if we reproduce the factual and legal position in this report.

The fact in brief is that the complaint was against Md. Matin Miah, O/C of Khedacherra Police Station that he attempted to commit rape on a tribal woman at mid night. The Reang woman was living with her two kids, widow mother and minor brother after estrangement from her husband. On the fateful night the mother was away in her jhumghar and she was sleeping with her two kids and minor brother. Abdul Matin with two constables forced into her house on the plea of search for certain extremists. Then the constables compelled the minor brother to accompany them outside the hut. Abdul Matin then tried to undress the young lady. She resisted, struggled and raised alarm. Her kids started crying. The neighbours came to her rescue and saw the police officer sitting on her naked. He at once managed to escape. On the following morning the widow mother returned home and came to know about the occurrence. She and her daughter decided to lodge complaint in the court at Kanchanpur. On way to court they were stopped by the O/C and threatened of serious consequences if any complaint was

lodged against him. They had to return home. On the following day they managed to reach the court and lodge the complaint .

The court directed the Superintendent of Police, North Tripura to investigate into the alleged offence U/S 156(3) of Cr.P.C. But instead of initiating investigation as per order of the Magistrate, S.P. sat over the complaint for considerable period and then sent the complaint to S.D.P.O who allegedly tried to force a compromise by putting pressure on her though the offence was non-compoundable.

After a considerable period when no investigation was taken up even after the direction of the court, the lawyer came to the Police Commission and lodged the complaint. The Commission wanted to know from S.P., North Tripura, why the order of the court was disobeyed and why no investigation was taken up. Then the Commission was informed that investigation into the alleged offence had been assigned to one Inspector of Police. Simultaneously S.P. directed S.D.P.O. to inquire into the allegation made in the F.I.R. against the O/C. This is highly arbitrary and contrary to law. The S.D.P.O. hurriedly submitted report stating that the allegation made in the F.I.R. was false. Thus the investigation pending before the inspector of police was virtually fore-closed. This legal position was pointed out to S.P., North as well as Director General of Police. But the strange reply was that such preliminary inquiry was permissible before taking up a disciplinary proceeding. The Commission again explained that when a criminal investigation is pending no such inquiry is legally permissible for any purpose, even for a disciplinary proceeding.

The settled law is that the disciplinary authority should wait for results of investigation and trial.

Chapter XVII of the P.R.B. read with Rule 14(2) CCS (CCA) Rules, 1965 does not contemplate such a parallel inquiry for any purpose, even for a disciplinary proceeding. When a criminal investigation is pending the contemplated disciplinary proceeding, if any, on the same set of facts should be put on hold. After investigation and trial the disciplinary authority is at liberty to decide whether departmental proceeding is to be initiated or not. Even after acquittal on grounds of inadequate evidence or other technical ground, it is possible to initiate or continue disciplinary proceeding. The reason is that in a criminal case standard of proof is **beyond reasonable shadow of doubt** while for a disciplinary proceeding it is **preponderance of probability**. The evidences which are not enough for conviction by a criminal court may be sufficient for a penalty in a disciplinary proceeding.

In view of the above legal position all police officers may gainfully know :-

- (i) When an investigation is pending, no parallel inquiry should be initiated even for the purpose of a contemplated disciplinary proceeding ;
- (ii) When a criminal court directs an investigation u/s 156(3) Cr.P.C. it is mandatory to register a case and start investigation.

- (iii) When a complaint duly signed by a complainant discloses commission of cognizable offence, registration of a case and investigation is mandatory, unless there are reasons to decide otherwise under proviso to Sec. 157 of Cr.P.C. Only when a complaint is unsigned or made by telephone or e-mail or other method a preliminary inquiry before investigation is permissible.
- (iv) Only after investigation and trial the question of initiating a disciplinary proceeding should be considered ;

By order dated 02-01-2012 we closed the proceeding following police investigation into the alleged offences directed by Superintendent of Police (North). The allegation in the FIR was that the Officer Incharge of Khedachara Police Station Abdul Matin attempted to rape Smti. Sonarung Reang in her own house at mid night. She lodged complaint in Kanchanpur Court. The Judicial Magistrate directed the Superintendent of Police U/S. 156(3) Cr.P.C. to investigate the case. But S.P. sat over the order for a long time. When this Commission intervened he directed investigation by a Police Inspector. Simultaneously and wrongly he directed S.D.P.O. to make inquiry into the same allegation.

Though not informed we came to know later that I.O. submitted final report as true but wanting in evidence. The Criminal

Court by order dated 27-03-2012 accepted the F.R. ignoring the protest by the Complainant and her Lawyer.

Conversely, the deposition of the complainant and other witnesses recorded by us on oath established that the accused police officer Abdul Matin had entered into her house at midnight and dragged her down from the cot. He started to undress her when at her cries neighbours rushed to the spot to her rescue. How then the I.O. could file F.R. (T) ?. It seems either he recorded 161 Cr.P.C. statements in his own way to save errant O/C and to be in line with the inquiry by S.D.P.O. or he did not record statement of witnesses at all. The legal position is that statement of witnesses recorded U/S. 161 Cr.P.C. does not bear signature of the person making it. It is, therefore, possible for the police officer recording the statement to write what the witnesses has not stated. But the outcome of the investigation depends on such statement. This legal deficiency gives enormous power to the investigator to swing the way he likes. Unfortunately, there is no safe-guard against arbitrary exercise of such power. By ordering a parallel inquiry by a superior officer when investigation by a subordinate officer was pending the S.P.(North) had actually written obituary of the investigation. Accused police person invariably go with impunity in this way. This is one of the main reasons for the people to realize that justice against errant police is a far cry. Consequently, they loose faith in police system itself.

It is, however open to the complainant to lodge a complaint case in the Court and pursue it. But poverty and other practical difficulties may stand in her way. It is also possible for the Police Authority to go the whole hog and consider suitable disciplinary action.

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Complaint case No. 31 of 2011

Shri Tirthankar Roy –Vs. Shri Raj Kr. Roy.

Police torture.

Order dated 05-03-2012.

This complaint was lodged on 26.11.2011 by Sri Tirthankar Roy alleging police torture. The short fact as narrated in the complaint is that on 10.07.2011 Sri Tirthankar was traveling from Agartala to Khayerpur by an Auto Rickshaw TR-01-A-3071. After Math Chowmohani the road was found blocked by some agitators .The Auto driver took right turn from Math Chowmohani and proceeded towards M.B.B. College. Some police personnel on duty there stopped the vehicle. The complainant was that taken out of the vehicle and physically assaulted by police for reason not known to him. The local people brought him to the hospital for treatment .He could not say who were the police personnel responsible for assaulting him. From the report of the Superintending of police submitted to this Commission on 26.02.2012 it appears that on 10.07.2011 there was political unrest in the area around M.B.B. College where common admission test for Tripura Medical College was conducted. The supporters of INC were trying to obstruct the CAT examination. As there was apprehension of breach of peace, the District Magistrate promulgated under section 144 Cr.P.C. The police report states that the complainant Sri Tirthankar Roy was leading some agitators who were armed with bomb ,petrol, kerosene, Glass bottles etc. Tirthankar along with few agitators came to the area by Auto rickshaw No. TR-01-A-3071 and tried to enter the college for disrupting the entrance test. When police tried to stop them they turned violent and clashed with the police force. Some police

personnel sustained injuries during the street fight. Against the complainant Thirthankar Roy, West Agartala P.S.case No. 165/2011 was registered and investigated. Another West Agartala P.S case No.164/2011 was also registered against Sri Roy. Thus it would appear from the above fact that Tirthankar was not an innocent commuter. He was leading INC (Indian National Congress) supporters who tried to disrupt medical admission test by means of violence. The allegation of Shri Roy this commission formed part of the complaint instituted by Shri Rajendra Dhyani of INC against Superintendent of police and others which was registered as East Agartala P.S. case No. 167 of 2011. After investigation final report submitted by IO as not true which was accepted by the Court.

In view of the fact that the same complaint was investigated by police and the report was accepted by the court, it would not be appropriate for us to reopen the case and proceed further.

Accordingly we closed the case.

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Complaint No. 32 of 2011

Ramprasad Roy –Vs. O/C. of Bishalgarh P.S.

Non registration of FIR.

Order dated 02-04-2012.

The complainant Shri Ramprasad Roy was travelling from Madhupur market to Champamura by a three wheeler (Auto) TR-01-D-2452. The vehicle met an accident near Lambutali market. He sustained grievous injuries and had to go for prolonged treatment. But he lost his two fingers rendering him physically handicapped. After release from hospital he lodged a written complaint with the Bishalgarh Police station. But for reasons not explained, the complaint was not registered as FIR though it disclosed commission of cognizable offences u/s. 338/279 of the Indian Penal Code. Instead a GD entry was made and an inquiry was done u/s 184 of the Motor Vehicles Act for rash and negligent driving. PR was submitted after inquiry.

Under the Motor Vehicles Act a person injured in a motor accident is entitled to claim compensation before the Motor Accident Claims Tribunal. The documents required for institution of a claim include copy of FIR which is a prima-facie evidence of motor accident. As no FIR was registered the complainant was not supplied with a copy of his complaint.

There was no dispute that the complainant lost his two fingers which attract section 338 of the Indian Penal Code. Rash and negligent driving comes within the purview of Section 279 I.P.C. Both the provisions are cognizable and therefore, the right course for the police was to register the complaint as FIR and take up regular investigation. However, after filing of complaint with this Commission on 29-11-2011 the complaint was registered on 07-12-2011 as FIR in Bishalgarh Police station Case No. 169 of 2011 u/s. 279/338 I.P.C. This should have been done at the very inception.

In view of the above position we closed the case providing copies of the order to the complainant and the Officer in-charge of the Police station,

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Complaint No. 35 of 2011.

Smti. Mery Reha (Paul) Vs. O/C. of Bishalgarh P.S.

Police inaction to indirectly help land mafia.

Order dated 15-11-2012.

This case was partly narrated in the annual report 2011 when it was pending. Now that it has been finally disposed of in 2012 its complete picture drawn below :-

On 15-12-2011 Smti Mery Reha (Paul) lodged a complaint to the Police Commission alleging serious misconduct by police of Bishalgarh police station.

The short fact narrated by her is that her husband Shri Subash Paul is the owner of a rubber plantation raised on his jote land. But a group of local miscreants with covetous eyes have been trying to force her husband to part with the plantation at a throw away price by threat, assault and intimidation. On 24-10-2011 when her husband was on way to a bank the miscreants physically assaulted him when he refused to execute a deed of agreement to transfer a part of his plantation. With bleeding injuries he had to be admitted into a hospital. He was under treatment there for 8 days. She lodged FIR on 26-10-2011 which was registered as Bishalgarh Police station Case No. 149 of 2011. But there was no arrest or other preventive action against the miscreants named in the FIR. They continued to make attempt to illegally dispossess Subhash from the plantation. On 27-11-2011 they trespassed into the plantation and threatened that they would burn his house and drive him out from the village if he dared to resist. She immediately informed police on the same day by means of a written

complaint. Her husband also lodged a complaint on 2-12-2011 as police inaction was indirectly helping the “land mafias” to take over his rubber garden. Aggrieved by indifferent attitude of police she approached this Commission for appropriate remedies.

3. After taking cognizance of the complainant this Commission collected evidences which include statements on oath of the complainant and her husband, inquiry report of the Police Inspector of this Commission and the statement on oath by Shri Bishnupada Bhowmik, Sub-inspector of police of Bishalgarh Police station. The local newspapers reported elaborately the chain of events high lighting hooliganism of the land grabbers.

4. The facts and circumstances which have emerged from the record may be chronologically noticed first :-

26-10-2011:- Smti. Paul lodged a complaint to the Bishalgarh Police Station about the attack on her husband on 24-10-2011 by Shri Biswajit Deb and Babul Das when he was on way to a Bank. She could not give the names of other 2 (two) miscreants who also assaulted her husband. The allegation was that he husband refused to pay protection money of Rs.2,00,000/-. He sustained bleeding injuries and was admitted to hospital. The case was registered as

Bishalgarh Police station Case No. 149 of 2011.

10-11-2011 - After recovery and release from hospital Shri Subash Paul submitted a prayer to the Superintendent of Police West Tripura, Agartala seeking security for him and his family members as the miscreants were at large threatening him to part with a part of his rubber garden or to face ouster from the village.

27-11-2011 - Smti Mery Raha (Paul) lodged a Complaint to the Officer in-charge of the Bishalgarh Police station alleging that since 10-11-2011 Babul Das, Biswajit Deb, Sujit Nag and other miscreants have been collecting latex from her plantation every-day. When opposed they threatened to kill her husband. This complaint was received but not registered though it disclosed commission of cognizable offences.

02-12-2011- Shri Subash Paul instituted a complaint in the same Police station alleging that on 01-12-2011, 3 miscreants named in

the complaint tried to dispossess him from the garden and he was subjected to physical torture. A copy of the complaint was sent to the Superintendent of Police, West Tripura, but the complaint was not registered.

06-12-2011- Smti Paul submitted a representation to the Chief Minister apprising him all the criminal activities of Babul Das, Biswajit Deb, Biswajit Das and Raju Das to grab her rubber plantation. She prayed for legal action.

14-12-2011 - Smti. Paul lodged another complaint with the Bishalgarh Police Station narrating the past occurrence, alleging police in-action and making fresh complaint that the accused persons had been illegally collecting latex from her rubber plantation. The complaint was received but not registered for investigation.

15-12-2011 - Complaint was filed with the Commission by Smti. Mery Reha (Paul).

- 21-12-2011- Shri Subash Paul instituted another Complaint to the Bishalgarh Police station alleging that on 19-12-2011 at 4-00 p.m. Babul Das and Ramkrishna Saha stopped the vehicle when he was traveling, ousted the driver from the vehicle and assaulted him with weapons in presence of the driver and other witnesses. This complaint was also received but not registered.
- 01-01-2012- Shri Subash Paul informed the O/C of the Police station that on 01-01-2012 Sri Babul Das, Ram Sankar Sau, Ranjit Deb, Nandalal Gupta and few others trespassed into his rubber garden, committed dacoity by taking away rubber sheets, latex and other articles. This complaint was registered as Bishalgarh Police Station Case No. 01 of 2012 for investigation.
- 09-02-2012 - In response to our direction to make an enquiry the Superintendent of Police, West Tripura submitted a report. According to this report the complaint dated 26-10-2011 of Smti. Mery Reha

(Paul) was investigated. The result of investigation have not been mentioned. About her another complaint dated 27-11-2011 the report says that no substantial evidence in support of the allegation could be adduced by the complainant. On the complaint of Shri Subash Paul lodged on 01-12-2011 the report states that a proceeding under Section 107 Cr.P.C. against Haripada Gupta and 2 others was set in motion. The Superintendent of Police, West Tripura has mentioned about the counter case filed by Shri Babul Das against Shri Subash Paul and Smti Mery Reha (Paul) on the basis of which another proceeding under Section 107 Cr.P.C. was also instituted. The S.P., West Tripura has further mentioned that the dispute has arisen from the claim of Babul Das that he paid Rs.2,00,000/- to Shri Subash Paul to buy 8 kanies of land from the rubber garden. But without executing any deed or giving

any money receipt Subash Paul left the Court premises on the plea of attending a mobile call. But he did not return. Since then the acrimony gradually led to series of incidents.

09-10-2012 -

The Investigation team of this Commission was instructed to visit the place of occurrence and submit report. According to the report the complainant and her husband have been living under constant threat and fear. That apart, their house was burnt by the miscreants compelling them to leave the village. They are now staying in a rented house in another place. According to the report the Bishalgarh P.S. could not provide adequate security to the complainant and her family members.

5. It would appear from the above discussion that the story of agreement for sale of a part of the plantation is a civil dispute but no Civil case was instituted. Whatever may be the reasons, it is evident that the accused persons had been trying to dislodge the complainant by force for illegal gains. Though one case was registered and

investigated by Shri Bishnupada Bhowmik, S.I. of police and charge-sheet was filed against Shri Babul Das, other complaints were not registered or investigated. Though investigation is in the exclusive domain of the police, providing security to the victim against the hooligans is also a duty of the police. It is now on records that one Babul Das has been charge-sheeted in one case but under compelling circumstances the complainant had to leave the village and lease out the property to one Matilal Saha as he was not in a position to save himself and his family members from the muscle power of the accused persons. Here lies the failure of the police to protect life and liberty of citizen creating thereby a negative impression about them.

6. We close the proceeding here inviting attention of the Director General of Police, Tripura towards above facts and circumstances of the case. We feel that Bishalgarh police could have played a more positive role for extending security to the complainant and her family members keeping at bay the muscle power of land grabbers.

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COMPLAINT NO.1 OF 2012.

Sri Santosh Karmakar Vs. Sri Kamal Deb Choudhury

Threat of police constable to kill.

Order dated -12-03-2012.

This case has arisen from a complaint by Shri Santosh Karmakar, lodged on 01-02-2012 addressing the Secretary of this Commission. At the time of instituting the complaint he was the Joint Resident Commissioner, Tripura Bhawan, Guwahati. His wife Smti. Tapashi Debchoudhury was a Post-graduate Teacher in Kabi Nazrul Vidyabhawan , Teliamura. She was living with her two children. He alleged that constable - Kamal Deb Choudhury was putting her under threat continuously . He apprehended that his wife and children might be killed by the police constable. He approached this Commission to save his wife and children.

He did not disclose whether he did make any complaint in Teliamura Police station or approached any Police Authority. He also did not say about the relation between constable and his family members or what was the background of such a situation.

We obtained report from Superintendent of Police, Khowai which states that the constable is the brother of Smti. Debchoudhury. On 20-01-2012 there was hot altercation between brother and sister leading to a complaint on 21-2-2012 by Shri Karmakar in Teliamura Police station.

The matter was duly inquired by a Police officer and a prosecution report to draw up a proceeding U/S. 107 Cr.P.,C. was submitted to the Sub-Divisional Magistrate, Teliamura. According to the report there was no apprehension about the security of Smti. Debchoudhury and her daughters. However, the matter was under watch.

We are satisfied with the report. The complaint merits no further inquiry.

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Complaint No.02 of 2012.

Shri Bidyut Saha Vs. Sri Sukanta Senchoudhury, S.I..

Non supply of copy of FIR.

Order dated 18-06-2012.

The grievance of the complainant in this case is that he was not given copy of the FIR lodged by him with Bishalgarh Police Station in connection with a motor accident occurred on 15-01-2012. On that day he was riding his motor cycle when a truck coming from Bishalghar bazar knocked him down. He sustained injuries and had to go through long treatment in G.B. Hospital. Though his complaint disclosed commission of cognizable offences, he was not given copy of the complaint petition after registration as FIR.

After receiving copy of the complaint addressed to Superintendent of Police, Sipahijala we sought comments from the Superintendent of Police . Later, the complainant informed us by his letter dated 11-06-2012 that his complaint had been registered as FIR and a copy was supplied to him. His grievances having been redressed thus we closed the matter on 18-06-2012.

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Complaint No. 03 of 2012.

Smti.Bulti Sarkar (Majumder) Vs. O/C.& I/O.of Belonia P.S.

Police accused nexus

Order dated 04-05-2012.

The complainant Smt. Bulti Sarkar instituted a Criminal case in the Court of S.D.J.M., Belonia against her husband Shri Gobardhan Majumder and three others.

The gist of her complaint is that when her husband did not return home on 12-02-2012 she went to the house of Smti. Runu Sarkar after getting information that her husband was staying there. In the house of Runu Sarkar she was allegedly assaulted by all the accused persons including her husband. Her further allegation is that accused Paritosh Majumder attempted to commit rape on her.

The learned Court took cognizance of offences U/S 376/511/325/379 IPC and issued process.

Her allegation before this Commission is that the police was not sincere in arresting the accused persons and investigating the case properly.

From the report of the Superintendent of Police, South Tripura it appears that the accused Smti. Runu Sarkar has been arrested but the other accused Sri Gubardhan Sarkar (husband of the complainant) is absconding. According to the police report the other two accused persons Paritosh Majumder and Babul Das were not at all present at the place of occurrence and so they were not brought to book.

The matter being now in seisin of the court we are not inclined to proceed with the matter. Accordingly the matter is closed.

Complaint (Suo Motu) No. 04 of 2012.

The news published in Tripura Darpan on 25-3-2012.

Custodial torture victim Kantaram Reang.

Order dated 16-04-2012.

Local daily “ **Tripura Darpan** ” reported on 25-03-2012 about death of a tribal student in Damchhera Police Lock up due to custodial torture. As death in police custody falls within the definition of serious misconduct in Section 66 of the Tripura Police Act, 2007, we took cognizance of the matter and made a short enquiry.

The Superintendent of Police , North Tripura, Dharmanagar sent a report to us. According to the report the deceased Kantaram Reang visited the rented house of the victim girl and approached her for sexual favour. When she refused he outraged her modesty followed by scuffle and cry. When the landlord and other came to her rescue the offender tried to escape. To save him from mob violence he jumped into a jungle and sustained injuries. He was brought to the hospital where he succumbed. Thus, the report states that the death did not occur in the police custody.

We have received no complaint against police atrocity in the lock up. The news paper report itself says that the villagers detained the deceased and subjected him to physical torture. The death might have been caused due to torture by villagers and the injuries suffered by him when he was trying to escape. There is no credible material to proceed further. The matter is accordingly dropped.

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Complaint (Suo Motu) No.05 of 2012.

The news published in Pratibadi Kalam on 26-03-2012 Vs
Surendra Debbarma of Nutanbazar P.S..

Corruption.

Order dated 16-04-2012.

The local daily “ **Pratibadi Kalam** ” published a news on 20-02-2012 alleging that one Sri Surendra Debbarma, O/C of Nutan Bazar Police Station was caught into camera while taking bribe from a driver who was carrying extra passengers. But the photograph shown in the news papers was different one.

During inquiry a report from the Superintendent of police, South Tripura was obtained. It states that Surendra Debbarma was not O/C, but ASI of the said police station and he was on vehicle checking duty on 20-02-2012. He detained one Litan Das who was riding a two wheeler without valid documents. As Litan Das refused to sign on the checking memo, a prosecution report was prepared against him under the Motor Vehicles Act.

Later it was revealed that Sri Litan Das was a local reporter of Syandan Patrika. The news of taking bribe by the ASI published in the Pratibadi Kalam had no basis.

In view of the above there is no merit for further inquiry. Accordingly the matter is closed.

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Complaint No.06 of 2012.

Smti. Babli Rabi Das Vs. East Agartala P.S.

Non registration of F.I.R.

Order dated 16-04-2012.

It appears from the complaint that there was a civil dispute between the complainant and one Ranendra Mohan Chakraborty .Shri Chakraborty refused to sell his property to the complainant even after a previous agreement. She made allegation in her FIR that Sri Chakraborty refused to sell the property only because she belonged to Dalit Community. Such allegation cannot be registered as FIR as no cognizable offence was committed. Her remedy lies in the Civil Court seeking a direction for part performance of the contract for sale.

The matter is closed accordingly.

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Complaint No. 07 of 2012.

Smti. Bipasa Roy ors Vs. Shri Sunil Ch. Dey.

Police connivance while committing trespass.

Order dated 18-06-2012.

In this case the allegation of the complainants was that they had a boundary dispute with their neighbor Sri Sunil Rn.Dey. On 02-04-2012 the Police of Fatikroy Police Station assisted their neighbor to trespass into their land, fell and take away their trees from the boundary.

But the enquiry brought to light that for settlement of the boundary dispute the local Panchayet called both the parties, but the complainants refused to attend. Shri Sunil Rn,. Dey is a retired teacher living with his wife with good reputation as a peace loving citizen. His children were employed out of the State. On the advice of the of the Panchayet he proceeded to install boundary pillars. But as he apprehended opposition from the complainants Smti. Bipasa Roy and others he informed the police in writing to prevent breach of peace . On the basis of that prayer the police went to the disputed3 land and after local enquiry submitted a report for initiating a proceeding U/s. 107 Cr.P.C. against Smti. Bipasa Roy and others. The matter is now pending with Sub-divisional Magistrate.

It would appear from the above that the police went to the place of occurrence to prevent breach of peace and to make an enquiry about the allegations of Sunil Rn. Dey. Therefore, there was no misconduct on the part of the Fatikroy police.

The matter was accordingly closed.

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Complaint No.08 of 2012.

Smti. Pratima Saha Vs. Sri Babul Das & anr.S.I. of Police.

Biased investigation

Order dated 18-06-2012.

On 16-11-2012 one Bikash Saha was murdered and the complaint was registered as Airport P.S. Case No.70 of 2011. After investigation charge sheet was submitted against Tapan Sen only. But Smti. Pratima Saha, the wife of the deceased, was not happy with the investigation. She alleged that the I.O. did not record the statement of the eye witnesses. According to her 2 (two) other persons were with Tapan Sen and they together killed her husband.

The matter being within the domain of the Court, the Commission did not proceed with the matter further with the observation that the grievances of the complainant should be placed before the learned Court.

Accordingly the matter was closed.

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Complaint No.9 of 2012.

Shri Haralal Bhowmik Vs. Shri Subrata Chakraborty & anr. S.I.

Allegation of illegal detention and custodial torture.

Order dated – 21-12-2012.

Sri Haralal Bhowmik instituted this proceeding by lodging a complaint against Shri Subrata Chakraborty, Officer incharge, Shri Anupam Das, Sub-Inspector and few police constables of Sidhai police station.

2. The allegation in brief is that on 08-06-2012 at mid night Sri Anupam Das and other police constables stormed into the house of the complainant, broke open the door, ransacked the house, assaulted and arrested the complainant without disclosing any reason or showing any warrant for such search and arrest. He was taken to the police station and subjected to physical torture again in the lock up during the night. On the following morning his wife went to the police station and obtained his release after signing some papers. He got admitted into hospital on 09-06-2012. C.T.scan, ultra sonography and x-ray had to be done . Police did not give him arrest memo or disclose the reason for his arrest and torture.

3. We examined the complainant on oath and then conducted spot inquiry. Two members of the Commission, Smti.

Champa Dasgupta and Shri Subinoy Kr. Choudhuri went to the place of occurrence and after examination of police records and witnesses submitted a report on 18-07-2012. According to the report the complainant and another were heavily drunk and causing breach of peace in the locality. On the basis of a telephonic information from Ashutosh Debnath (witness No. 1) police went to the spot after making G.D. Entry No. 296 dated 08-06-2012 and arrested both. As the complainant was resisting arrest the police personnel had to apply physical force causing thereby some injuries. The arrest were made under section 90(1)(b) of the Tripura Police Act, 2007. After enquiry a prosecution report was submitted to the Criminal Court for trial. He was released on bail on the following morning. Though arrest memo was prepared , copy of the same was not given to the arrestee due to bona fide mistake. According to the record of the police station the complainant was not a man of good reputation. He was accused in connection with several Criminal cases.

We examined Sri Ashutosh Debnath who informed the police on the night of the occurrence. He stated on oath that Haralal Bhowmik had illicit relation with the wife of his employee Thakurchand Debnath . On that night Haralal trespassed into the house of Thakurchand with libido and amoral purpose and drove him out from his own house. At the request of Thakurchand over phone the witness informed the police. Police came and arrested Haralal from the house of Thakurchand, not

from the house of Haralal. Another witness- Shyamal Debnath (witness No.2) corroborated Ashutosh stating that Haralal had extra-marital relation with the wife of Thakurchand. On the night of occurrence Haralal trespassed into the house of Thakurchand. Ashutoth informed the police station after knowing from Thakurchand about Haralal's libidinous acts. According to this witness Haralal is known to be an ill reputed person in the area.

4. We summoned the complainant again to respond to the evidences of the 2 (two) witnesses recorded by us. But he did not turn-up. What has transpired from the above is that the allegation against Sidhai Police of trespassing into the house of Haralal on 08-06-2012 is false. He was actually arrested from the house of Thakurchand or from near about places. The arrest was made under Section 90(1)(b) of the Tripura Police Act, 2007 after recording the complaint from Ashutosh Debnath in G.D. As regards physical torture the justification given by police is that the injuries might have been caused due to resistance offered by Haralal. The police, however, admitted that the arrest memo was prepared but not given due to bona fide mistake . Obviously this is not inconformity with the law.

5. Accordingly, subject to the above observation this complaint stands dismissed.

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Complaint No. 10 of 2012.

Sri Sovamohan Tripura Vs. Sri Subhankar Debbarma.S.I.

Allegation of not supplying copy of FIR.

Order dated 13-08-2012.

The allegation was that copy of the arrest memo was not Supplied to the arrestee Sri Bir Bahadur Rupini by the police officer. After receiving copy of the order dated 16-07-2012 passed by the commission the said police officer supplied the arrest memo. Thereafter we have received a communication from the Secretary, BPHRO, 82 Miles Unit stating that the complainant intends to withdraw the case as they have no longer any grievance against the police officer.

In view of the above position the case stands closed.

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COMPLAINT NO. 11 OF 2012.

Arafat Ikbal Majumder Vs. Sri Bishnupada Bhowmik, S.I.

Allegation of corruption.

Order dated 19-10-2012.

The complaint was lodged by Shri Arafat Ikbal Majumder, owner of a Maruti car bearing Registration No. TR01 M-0268. Md. Litan Mia was the driver. The allegation in brief is that on 14-7-2012 at noon Litan Mia parked the vehicle at Ghaniamara Chowmuhani and went home for lunch. In his absence the vehicle was taken to the Bishalgarh Police station by Shri Bishnu Pada Bhowmik, sub-inspector of police for reasons not known to the complainant. When he got the information he went to the police station in the afternoon and wanted to know the reason for taking the vehicle into the custody of police. He claimed release of the vehicle. But Bishnu Pada Bhowmik demanded Rs. 10,000/- and talked about involvement of the vehicle in a theft case if the money was not given. Aggrieved by such demand for bribe he went to Shri Swapan Dasgupta, Officer incharge of the police station. Surprisingly the demand for bribe was supported by the officer incharge of the police station. He claimed that his vehicle was empty at that time. He refused to give the bribe and lodged the complaint with the Commission with a copy to the Superintendent of Police, Shipahijala, seeking redress.

As corruption is a serious misconduct within the meaning in Section 66 (f) of the Tripura Police Act, 2007, the Commission took cognizance of the allegation and made an enquiry . The complainant Shri Arafat Ikbal Majumder and the accused Shri Bishnu Pada Bhowmik were examined. A copy of the inquiry report of S.D.P.O., Bishalghar, submitted to the Superintendent of Police (DIB), Shipahijala was made available. It appears from the evidence collected during enquiry that the vehicle was involved in a theft case lodged by Matilal Saha on 14-6-2012 ,more than one month before institution of the present complaint. In the FIR the allegation was that Shri Litan Mia and others committed theft of latex from the rubber garden of Shri Saha. During investigation by police it came to light that Arafat Ikbal , Kakan Mia and Salim Mia along with Litan Mia were committing theft of latex from the rubber garden. The Maruti car of Arafat Ikbal was seized with stolen rubber sheets on 14-7-2012. The accused persons were near the vehicle at that time, but seeing the police they fled away . The S.D.P.O, Bishalgarh examined witnesses and recorded the statements of Mannanur Rahaman and Arafat Ikbal . Arafat Ikbal admitted that he made false allegations of bribery against Shri Bishnu Pada Bhowmik on the wrong advice of Advocate Tapan Sarkar. The fact is that he did not visit the police station on 14-07-2012 for release of his vehicle.

The admitted position appears to be that a Criminal Case of theft against Arafat Iqbal and others is pending. The complainant himself stated before us that he was not inclined to pursue the complaint as it would not be safe to fight against police. Besides he himself stated to the S.D.P.O. that he did not visit the police station on 14-07-2012 and the story of Bishnupada demanding bribe was concocted. However, he did not make such statement before us.

Under the above facts and circumstances we find no merit in the present complaint. The same is, therefore, closed.

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Complaint No.12 of 2012

Smti. Joyatri Ghosh Vs. I/O. of Agartala Women P.S.

Perfunctory investigation.

Order dated 27-08-2012.

Smti. Joyatri Ghosh is the complainant before the Commission. Her allegation stems from her matrimonial acrimony. On the basis of FIR lodged by her against her husband and parents in law alleging cruelty a case was registered U/S. 498A/34 IPC in the Women Police Station and after investigation a woman police officer submitted charge sheet.

Her grievance is that her in-laws were not arrested and the investigation was perfunctory. It has been completed without examining relevant witnesses.

As the investigation is completed and charge-sheet has been submitted before the Criminal court it is advisable for the complainant to address the Court with her grievance. The matter now being within the jurisdiction of the Court this Commission can not interfere with the matter. Accordingly the complaint is closed.

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COMPLAINT NO. 13 OF 2012.

Shri Ashim Bhowmik Vs. East Agartala P.S.

Illegal detention of vehicle.

ORDER

Dated -02-11-2012.

The gist of the complaint is that on 07-08-2012 the complainant went to the office of the Joint Transport Commissioner with his vehicle TR 01- Q-1936 for obtaining driving license . He parked the vehicle within the office complex. Suddenly another vehicle TR 01-Z-0351 knocked down one Bikash Roy and then dashed against his vehicle. Though in no way his vehicle was responsible for the accident the police registered a case against his vehicle and detained it most illegally and arbitrarily.

The complaint was addressed to the Hon'ble Home Minister, Tripura, with a copy to us.

We have obtained a reply from the officer incharge of the East Agartala police station. It is admitted in the report that the vehicle of the complainant was not responsible for the accident which was caused by another vehicle. The vehicle was detained only for mechanical examination by Inspector of vehicle. No specific case against the complainant or his vehicle has been registered. The investigation is yet to be completed.

We find no apparent misconduct calling for our intervention. In view of the facts narrated in the report of the Officer incharge of East Agartala P.S. the investigation is likely to proceed against the driver of the other vehicle who might have been negligent in driving. Copy of the order may be sent to the complainant and the Officer incharge of the East Agartala Police Station.

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Complaint No.14 of 2012.

Smti. Shilpi Choudhury (Das) Vs. Sri Padmasen Chakma.S.I.,

Complaint of indecent behaviour.

Order dated 12-10-2012.

The complainant- Smti. Shilpi Choudhury (Das) lodged this complaint against Padmasen Chakma, a police Sub-inspector of Kadamtala Police station. Her allegation in the complaint petition to this Commission was that the Sub-Inspector of Police, Shri Padmasen Chakma behaved with her indecently. During inquiry she gave a statement. But from her later statement and statements of others it appears to us that Shri Chakma did not behave indecently though there was an altercation regarding certain other petty mundane matters.

Such complaint does not come within the definition of misconduct and, therefore, this proceeding may be treated as dropped. Both the complainant and accused Shri Chakma may be informed accordingly.

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Complaint No.15 of 2012.

Shri Ranjit Debnath Vs. I/O. of Belonia P.S.

Kidnapping of a minor girl-police inaction.

Order dated 28-09-2012.

On 22-08-2012 the complainant, Shri Ranjit Debnath lodged F.I.R. in Belonia Police station alleging that his minor daughter Bully Debnath (16) had been kidnapped by Shri Dinadayal Debnath @ Bapan with the help of his father Monoranjan Debnath and mother Smti. Kajal Debnath. The FIR was registered and investigation was taken up by the Officer incharge of the Police station. But later the complainant was summoned to the Police station for giving the age of the accused Dinadayal Debnath. His allegation is that a second FIR had to be written by him as per instruction of the Police officer in which the name of the main accused was changed as Dipankar Debnath @ Bapan in place of Dinadayal Debnath @ Bapan. The name of Smti. Kajal Debnath, the mother of the main accused in the first FIR had to be dropped. His further allegation is that the police did not investigate in right earnest and failed to recover his minor daughter.

2. The matter was enquired by the Commission. The fact came out during inquiry shows that the second FIR was written by Shri Mithun Debnath, the nephew of the complainant who might have inadvertently written Dipankar in place of Dinadayal. However, the investigation was directed against Dinadayal and Monaranjan both whom were arrested later and the girl was recovered from Tinsukia, Assam. Both Dinadayal and his father Monoranjan were in judicial custody and the investigation was in progress.

3. Thus the allegation of police inaction was not found to be correct. Accordingly the matter was closed.

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Complaint No.17 of 2012.

Abdul Latif Vs. I/C. of Srirampur Police Out-post.

Registration of FIR- refusal by a police outpost.

Order dated -09-11-2012.

The complainant Abdul Latif lodged a complaint with this Commission that on 23-08-2012 when he was returning home from Bairabnagar at about 8-00 p.m. 4 (four) accused persons all of whom were known to him came in his way , abused and assaulted him . He was then confined into the house of accused Dulal Mia and a false complaint written in the name Rahina Khatoon, the wife of Dulal Mia, was lodged in the P.R.Bari Police station against him U/S. 457/354 I.P.C. On the following day he was produced before the Criminal Court and released on bail. His father Japan Mia went to the Srirampur Police out-post and instituted a complaint against 4 accused persons alleging wrongful confinement and assault of his son Abdul Latif. But the Police out-post refused to register a case. Thereafter, Abdul Latif himself went to the P.R.Bari Police station to lodge a complaint. It was accepted and registered. The grievance of the complainant is that P.R.Bari Police out-post should have accepted and registered his complaint.

2. During inquiry it reveals that Abdul Latif lodged the complaint on 01-09-2012 with P.R.Bari Police station which was registered and investigated. After investigation I.O. submitted chargesheet against Bahar Mia and Rahaman Mia. The legal position is that the complaint should be lodged with Police station only. Section 156 of the Criminal Procedure Code gives powers of investigation only to the Officer incharge of a Police station. The power to receive and

register information relating to commission of cognizable also lies with the officer-in-charge of the Police station u/s. 154 Cr.P.C.

3. In view of the above, there was nothing wrong on the part of the Police out-post. The Commission, therefore, closed the matter.

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COMPLAINT NO.18 OF 2012.

Sri Abhishek D/Barma Vs. Sri Nandan Das,S.I. & anr.

Non compliance of law regarding bail inailable offence.

Order dated 02-11-2012.

The complainant Shri Abhishek Debbarma (Laskar) submitted his complaint to the Superintendent of Police, West Tripura with a copy to this Commission alleging that on 06-09-2012 at 9-30 p.m. he was arrested by Shri Nandan Das, Sub-inspector of police only on the ground that he had consumed liquor. His motor cycle was also seized without any reason. Though he was arrested againstailable offences and his grand mother went to the Police station to obtain bail, the said Sub-inspector refused to release him on bail in violation of the mandate of law.

After taking cognizance of the complaint we asked for a reply from the accused police officer . Accordingly he has given his version of the occurrence in defence . He has also enclosed copy of the order dated 13-09-2012 of the Judicial Magistrate, Agartala in connection with the case against the complainant herein. It appears from the document on record that the complainant was arrested under section 90 of the Police Act. The bike was seized under section 207 of the M.V. Act. A G.D. entry was made in connection with the alleged offences. The allegation against the complainant was that he was disturbing public peace after consuming liquor. The reason for refusing bail, as contended in the reply of the police officer, is that

the elderly lady (Grandmother) was not found suitable to be a surety for bail. Accordingly he was detained for the night and on the following morning forwarded to the Learned Magistrate who granted bail and released the bike on an Indemnity bond . It has also been mentioned in the reply that subsequently after trial the complainant has been convicted by the Court and sentenced him to pay a fine.

As the investigation and trial are now over there is no point to make further enquiry into the matter. But we observe that the alleged offences being bailable the mandate of the law was to offer bail immediately after arrest. The grand mother is a retired government employee and, therefore, there was no good reason for the police officer to refuse bail. Shri Nandan Das, S.I. has not stated in his reply why the elderly lady was not considered by him suitable to be a surety. Non conformity with law seems to be apparent on the face of the reply.

We close this matter here but request the Director General of Police ,Tripura to take note of our above observation. Copy of the order may be sent to him.

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COMPLAINT NO. 19 OF 2012.

Shri Dayamoy Das Vs. O/C. of Kanchanpur, North Tripura.

**Police inaction –delay in sending report for proceeding U/S.145
Cr.P.C.**

Order dated 17-12-2012.

In this case the complainant Dayamoy Das alleged that he was in peaceful possession of his jote land in Kanchanpur Mouja. On 07-02-2012 the accused Harekrishna Das along with others trespassed into his land being armed with deadly weapon with a view to dispossess him. He lodged a complaint with Kanchanpur Police station which was registered and notice was issued under section 154 of Indian Penal Code in order to prevent breach of peace by restraining the parties to the dispute. Thereafter on the basis of the report of the police a proceeding u/s. 145 Cr.P.C. was initiated in the Court of Sub-divisional Magistrate for determining the disputes regarding possession of the land. But the particulars of the proceeding given by the police station could not be traced by the complainant in the Court of the Magistrate. The opposite parties were so arrogant that they continued to threaten the complainant defying the restraint order.

2. It appears during inquiry that the police officer submitted prosecution report on 11-04-2012 U/s. 145 Cr.P.C. The matter is now pending in the Court of the Sub-divisional Magistrate, Kanchanpur who received the P/R on 19-04-2012.

3. Section 145 Cr.P.C. provides that the Executive Magistrate, if satisfied from the report of a Police officer that a dispute likely to cause breach of peace exists concerning any land he shall make an order in writing stating the grounds of his being so satisfied and requiring the parties concerned to attend his Court in person or by pleader.

In view of the above position, we find no laches on the part of the Kanchanpur Police station. Copy of the order may be sent to the complainant advising him to move the S.D.M. Court for necessary order. Copy of the P/R may be sent to him. A copy of this order may also be sent to S.D.M., Kanchanpur for information.

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COMPLAINT NO. 22 OF 2012.

Smti. Sunita Dey Vs. O/C. of Belonia P.S., South Tripura.

Complaint of slow and biased investigation.

Order dated 19-11-2012.

The case has arisen from a complaint that the Santirbazar police was slow to investigate a cognizable offence of kidnapping. After admission we called for reply from the O/C.

It appears after inquiry that the complaint was registered as FIR and investigation was done. According to the allegation made by Smti. Sunita Dey, her minor daughter Miss. Payel Dey was kidnapped by Neel Kamal Paul from her home. The case was registered under section 366(A) I.P.C. and investigated by Shri Sadhan Majumder, S.I. of police. The girl was recovered and initially kept in a State Children Home at Agartala. Later she was handed over to her legal guardian as per direction of the Court. The accused surrendered before the Court and was released on bail. The Investigating officer submitted charge-sheet No.68/12 on 31-10-2012 u/s. 366(A) I.P.C. against Neel Kamal Paul.

In view of the above the grievance does not survive. We close this proceeding accordingly. Copy of the order may be sent to the Superintendent of Police, South Tripura, O/C. of Shantirbazar Police station, South Tripura and the complainant.

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COMPLAINT NO.23 OF 2012.

Smti. Ratna Kar (Biswas) Vs. O/C. of Belonia P.S.

Allegation of biased investigation.

Order dated- 23-11-2012.

The short fact traversed in the complaint of Smti. Ratna Kar (Biswas) is that her younger sister was married to a person who was suffering from mental depression and unable to earn. The sister herself was also a chronic patient of arthritis. She was subjected to mental and physical torture by her in-laws whenever she failed to provide services to the family. On 09-09-2012 the complainant went to see her sister and witnessed the in-laws abusing her. She protested and consequently the in-laws physically assaulted her. Her ornament was snatched and the culprits threatened her of dire consequences. She had to leave the place with minor injuries.

She lodged a complaint in the Belonia Police Station on 10-09-2012 against Sadhan Das and Raju Das. The case was registered and investigation was taken up. But she was not happy with the dithery way of investigation. She approached this Commission by means of the present complaint alleging that I.O. was not taking effective steps . The accused persons were not arrested and her stolen ornament not recovered .

After taking cognizance of the grievances we called for a report from the Officer Incharge of Belonia Police Station. The report was received on 19-11-2012 . According to the report the investigation was completed within a month. The Investigating Officer arrested the accused persons and submitted charge-sheet under section 341/323/354 IPC against one accused Raju Das. As regards other accused Sadhan Das the evidences were not enough to submit charge-sheet against him. The case is pending before the Criminal Court for disposal.

On 20-11-2012 complainant appeared before the Chairperson and admitted that the investigation had been completed.

In view of the above facts and circumstances we find no merit to proceed with the complaint. Without waiting for a reasonable time for investigation the complainant should not have rushed to the Police Commission with the grievances which are without any basis. The I/O. Smti. Alpana Sarkar, S.I. of police has done her job well and within time. There is absolutely no laches in her part while investigating the case.

We, therefore, dismiss the complaint. Copy of this order may be sent to Director General of Police, Tripura, Superintendent of Police, South Tripura, O/C. of Belonia Police Station and Smti. Alpana Sarkar, S.I. of Police.

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COMPLAINT NO. 24 OF 2012.

Sri Akru Tripura Vs. O/C. of Baikhora P.S.

Non registration of FIR.

Order dated – 09-11-2012.

The grievance of the complainant Shri Akru Tripura is that he lodged FIR on 30-09-2012 against 8 accused persons who had trespassed into his house and beaten his mother and brother severely . But it was not recorded and registered by the O/C of Baikhora Police station. Again on 01-10-2012 he went to the Police station and filed written FIR naming all the 8 (eight) accused persons. On 02-10-2012 he went to the Police station to collect the copy of the FIR, but he was told that his complaint was not registered. His mother and brother were admitted into hospital with grievous injuries. After much persuasion the FIR was registered on 02-10-2012. But none of the accused was arrested. As their security was in danger the complainant informed I.G.P. (L/O) with copy to this Commission elaborating the facts and his grievances.

We obtained a report from I.G.P. (I/O) Shri Rajiv Singh. It appears from his report that the case was registered on 02-10-2012 when written FIR was filed. The accused persons were arrested on 14-10-2012 and witnesses were examined. After completion of investigation the I/O submitted charge-sheet against the accused persons on 23-10-2012, within a period of 21 days. As precautionary measure a proceeding U/S. 107 Cr. P. C. was also drawn up by Sub-

divisional Magistrate on the basis of a report from the Investigating Officer.

The Commission, therefore, found no substance in the complaint. Accordingly, it was closed.

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COMPLAINT (SUO MOTU) NO. 25 OF 2012.

The news item published in Syandan Patrika on 17-08-2012 Vs .Sri
Sashi Mohan Debbarma, O/C. of Champahour P.S.

Allegation of not registering complaint.

Order dated 02-11-2012.

The Commission took cognizance of a newspaper report published on 17-08-2012 in Syandan Patrika alleging that Champahour Police Station refused to register a complaint of Sri Bindumani Debbarma against Sri Sukumar Debbarma though the alleged offence was rape on his wife.

A preliminary enquiry was done by the Investigating team of this Commission. The statement of the complainant, his wife and the Officer incharge of the police station have been recorded.

It appears from the statements of Bindumani and his wife that there was a family quarrel between them in presence of Shri Sukumar Debbarma. Before the quarrel Bindumani Debbarma and Sukumar Debbarma had consumed enough liquor. Bindumani stated that he did not understand the meaning of the word 'rape' and he himself did not write the complaint. It was written by some body else which was not read over to him. He has no allegation against Sukumar.

In view of the above facts and circumstances we find no merit to proceed further. Consequently the matter stands closed.

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COMPLAINT NO. 27 OF 2012.

Smti. Akrai Mog Vs. S.D.P.O. & O/C. of Sabroom P.S.

Illegal detention.

Order dated – 28-12-2012.

This case has arisen from a complaint by Smti. Akrai Mog wife of Shri Labra Mog of Village- Chalitachari. Her allegation is that on 09-11-2012 in the evening her husband was travelling from Harina Bazar by a 3 wheelers. On the way the police of Sabroom Police station stopped the vehicle and arrested Labra. He was taken to Sabroom Police station for undisclosed reason. On 10-11-2012 the complainant went to the police station and found her husband with other two tribal boys inside the lock-up. She prayed for release of her husband on bail. But the O/C. of Sabroom told her that Labra would be sent to the Court. Accordingly she went to the Court but found it closed. She returned to the police station and wanted to know why Labra was not produced before the Court. Officer-incharge replied that Labra would be forwarded to the Court on 11-11-2012. She return home but got information in the evening that her husband had to be admitted to the Sabroom hospital. She rushed to the hospital, talk to him and came to know he was subjected to physical and mental torture in the police lock-up. Thus, she wanted redress against illegal detention and custodial torture on her husband.

2. After the inquiry it appears from the record that Labr was arrested from early in the morning on 10-11-2012 following G.D. Entry No. 349 dated 09-10/11/2012. The arrest was under the Unlawful

Activities (Prevention) Act, 1967 for his association with the extremist outfit (NLFT). The G.D. Entry shows that a secret information was received stating that some tribal youth crossed Indo-Bangladesh Border and were proceeding towards Chalitachari. Labrachai was first brought to the Police station in that connection for interrogation and after interrogation was allowed to return home at 0615 hours. But on the same day in the evening he was arrested under the above mentioned Act. The report further says that while in custody he was feeling unwell and had to be admitted in the hospital for treatment. According to the medical report he was suffering from hypertension. He was released on 11-11-2012. Labrachai Mog along with another was forwarded to the Court of the Sub-divisional Judicial Magistrate on 11-11-2012. Before that a Suo motu FIR was drawn on 10-11-2012 by Ranjit Kr. Dutta, Sub-inspector of police. Copies of the FIR, arrest memo and order dated 11-11-2012 of the learned Sub-divisional Judicial Magistrate, Sabroom have been sent for our perusal.

4. It appears that the learned Court after considering the records and submission of the Lawyer for the accused Labrachai Mog rejected the prayer for his bail and remanded him to judicial custody. The same allegation of illegal detention made to this Commission was also submitted to the Court. The Court made elaborate observations on

the said allegation and concluded that it had no basis. The allegation that he was arrested on 09-11-2012 and detained illegally for more than 24 hours seems to have arisen from the misconception about the time when very early morning of 10-11-2012 he was brought to the police station for interrogation only. He was shown arrested only on 10-11-2012.

4. We, therefore, find no merit in the allegation. Accordingly, the matter is closed. Copy of the order may be sent to the complainant , S.D.P.O., Sabroom and O/C of the Police station.

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