



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

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Case No. 1445/2006-07 / 409

Name of the complainant : Mr. Bhairu @ Aba Damodar Londhe
R/at, Jai Malhar Chowk, Opp. Sathe Chawl,
Budhwar Peth, Solapur.
V/s
The Commissioner of Police
Solapur. ✓

Date : **October 21, 2008.**

Coram : **Justice Kshitij R. Vyas (Former Chief Justice), Chairperson.**

PROCEEDINGS

At the time of hearing the complainant is present. On behalf of the respondent the then Police Inspector Shri K. S. Umbarje attached to Solapur City Police Station is present.

It is alleged by the complainant that with respect to the incident of rioting took place in Solapur on 17.11.2006, in the name of maintaining law and order, the police party consisting of PSI Shri Kashinath Umbarje, Shri Shaikh, Shri Shriman, API Shri Subhash Hajare and other 4/5 police personnel entered the house of the complainant. It is alleged by the complainant that the Police Officials have abused him in filthy language and assaulted mercilessly with fist, punch and even with wooden stick due to which he sustained injuries and he was admitted in the hospital. When he was in the hospital his brother and his son were assaulted and due to which his brother died. The complainant prayed inquiry and action against the concerned Police Officers.

The report is submitted by the Commissioner of Police, Solapur as well as affidavit is filed by PI Shri Kashinath Umbarje. The allegations made by the complainant are denied. It is pointed out that the complainant as well as son Manoj have actively participated in the agitations started in connection with Khairlanji murder case. As they were the members of unlawful assembly, they were charged for the alleged offences under Sec. 143, 147, 148, 149, 337, 427 IPC and under Sec. 3 & 7 of Bombay Police Act. They were arrested on 17.11.2006 at 20.00 hrs and were sent for medical treatment at Government Hospital. It is pointed out that when they were produced on 24.11.2006 before the Magistrate, they have not made any allegations against the police regarding assault and beating. Since they have filed this complaint very late on 20.1.2007, this is nothing but an after thought on the part of the complainant. It is also pointed out that as the complainant was running illegal Tea Stall and Wada Pav Stall on handcart by encroaching Government land, the Municipal Corporation tried to remove the encroachment, the complainant under misconception of the fact that the police has removed the same, even though he was having valid injunction order from the Court has tried to involve the police by making false allegations.

Having heard the parties and having gone through the complaint as far as involvement of the accused and his son in connection with C.R. No. 318/06 is concerned, since the matter is subjudice, the Commission will not go into the merits of the case in view of Regulation 8 (h) of the Maharashtra State Human Rights Commission (Procedure) Regulation 2001, therefore merits of the pending case against the complainant is not discussed.

However, the allegations of the complainant namely he was assaulted and beaten with wooden stick by the Police Officers require some consideration. The complainant has specifically alleged that PSI Shri Kashinath Umbarje, Shri Shaikh, Shri Shriman, API Shri Subhash Hajare have entered his house and there he was beaten with wooden stick. He was also assaulted with fist and punch. The Medico legal certificate produced by him confirms the say of the complainant.

Considering the nature, size and age of the injuries and weapon used in, the injuries are suggestive of the fact that the complainant was beaten at the hands of Police Officers. As per the say of the complainant he has remained in hospital for a period of one week. As per the say of the Police Inspector Shri Umbarje, the complainant was produced before the learned Magistrate on 24.11.2006. Once the person has to stay in the hospital for one week, for treatment, injuries can not be taken lightly, even though they are simple injuries. The Commission, thus, feels that for maintenance of law and order and controlling the mob, use of some force though necessary, but the same does not give the license to police to enter the house of the citizen and to use force there.

The Commission, therefore, recommends that an appropriate inquiry against the Police Officers Shri Kashinath Umbarje, Shri Shaikh, Shri Shriman, and Shri Subhash Hajare is necessary. In that view of the matter, the Commission recommends the Commissioner of Police, Solapur to hold inquiry either by himself or by any Officer that may be deputed not below the rank of Assistant Commissioner of Police against Police Officers Shri Kashinath Umbarje, Shri Shaikh, Shri Shriman and Shri Subhash Hajare in view of what is stated hereinabove. The said exercise shall be undertaken and completed within three months from the date of receipt of the order. The compliance report regarding the action taken in the matter shall be filed within one month thereafter.

With this recommendation, the complaint stands disposed off.



Kshitij R. Vyas

(Justice Kshitij R. Vyas)
Chairperson.

Mumbai; October 21, 2008.