



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Terminus (VT), Mumbai - 400 001
Tel : 2207 8962, 2205 0791 Fax : 2207 8962 Website : <http://mshrc.maharashtra.gov.in>

SHRC/SRB/ /2014/

Date:

Case No. – 394/2011-12

Name of the complainant : Madhukar Baburao Devkate
R/o. Anandwadi, Tal & Dist. Beed

Vs.

Name of the Respondent : The Superintendent of Police
Beed

Date : **27 May 2014**

Coram : **Justice S. R. Bannurmath, Chairperson**

ORDER

This case is registered on a complaint dated 24.03.2011 by one Madhukar Baburao Devkate alleging assault on him by the then PSI Shri. A.O. Pathan of Rural Police Station, Beed. It is alleged that the complainant was running a Hotel and at about 11.00 p.m. in the night the said PSI came and assaulted him on the ground that the said Hotel owner is not paying him any money and running the Hotel late in the night. Immediately, after the assault he has stated that he went to the District Hospital as he had received a serious injury to his eye during the assault and took up treatment. In this regard he has produced the MLC entry of the Hospital. Considering this material prima facie indicative of assault the Commission issued notice calling for report from the Superintendent of Police, Beed.

By the time the present Commission took up the case it was reported that the victim of the alleged assault had died and his widow did not intend to proceed further with the complaint. Considering these aspects by the detailed order dated 04.03.2014 this Commission directed the Superintendent of Police to make fresh inquiry especially having regard to the injuries and the immediate MLC entry showing history of injuries due to assault. Today Shri K.H. Pawar – PSI, Beed and Shri. M.P. Karade Addl Superintendent of Police are present and reiterated the correctness of the report filed on 22.04.2014. Drawing my attention it is stated that the Superintendent of Police has conducted a fresh inquiry and as

per the statements dated 03.04.2014 by Rajendra Kale a waiter in the hotel of the victim, statement dtd 12.04.2014 by Shri Vishnu Devkate cousin of the victim have denied any such assault on the victim by the Police. The earlier statements of Smt. Vidya Devkate – widow of the victim is also relied upon.

On perusal of the entire material it is difficult to understand as to the inability of the concerned Police in finding out about correctness or otherwise of the incident of assault by a PSI. Hardly 2-3 years have lapsed and as such that cannot be the reason to bring forth the correctness or otherwise of the incident especially when there is a glaring corroborative material in the form of MLC entry indicating assault on the victim that too on vital part like eye resulting in sub-conjunctive haemorrhage. As such in the absence of any contraindicative material the statement of the victim has to be accepted as the same has remained unchallenged.

Considering all these aspects in detail and after due consideration the Commission is of the view that there appears to be such incident of assault by a responsible Police Officer on a citizen. Thus, there is violation of human rights of the victim. Hence, the Commission passes the following recommendations:-

- a) **That the State Government should ensure to sensitize the Police Officers about the protection of Human Rights of citizens by strictly complying with the directions issued by the Hon'ble Supreme Court in D.K. Basu and other cases.**
- b) **Keeping in mind the nature of injuries and the fact that the victim has died due to his sickness unconnected with the assault after long time of the incident the Commission does not propose to award any compensation.**

With these recommendations the case is closed.

The Secretary to communicate this order to the parties concerned.

**(Justice S. R. Bannurmath)
Chairperson, SHRC**