



**MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI**

Administrative Staff College Compound, 9, Hajirimal Somani Marg, Opp. C S T. Mumbai - 400001.  
Tel: 22050791, Fax: 22091804/22093678/22078962 Website: <http://mshrc.maharashtra.gov.in>

DT.  
26/5/08

**DKB Case No. 22/15/2005-06** / 10666

**Name of the complainant :** Shri Namdev Bhimrao Vyanjane  
R/o Chandurwadi, Tal-Nilanga  
Dist-Latur.  
V/s  
1. The Spl. Inspector General of Police  
Nanded Region, Nanded.  
2. The Superintendent of Police  
Latur.  
3. Shri V. S. Angule, Police Inspector  
4. Shri B. M. Wagalgave, PC-353  
5. Shri Kathare, PC-1180  
(Through Superintendent of Police, Latur).

**Date :** September 10, 2008.

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

**PROCEEDINGS**

The complainant is present at the time of hearing. PSI Shri V. D. Mule attached to Gandhi Chowk Police Station, Latur is present.

The complainant alleges that he was unnecessarily abused, manhandled and beaten by Head Constable Shri B. M. Wagalgave of Gandhi Chowk Police Station, Latur on 9.7.2005 at about 11.30 a.m. when he was waiting for bus. It is alleged by him that he was picked up solely on the ground that he was spending more time at the bus stand. The complainant alleges he was not only beaten at the bus stand, but even on way to the Police Station, where he was kept up to 4.45 p.m. and was later on produced before the Magistrate. It is the grievance of the complainant that police did not shown any arrest nor inform his family member when he was at the Police Station for more than five hours. It was only after he was transferred to Osmanabad jail on the same night his relatives were informed.

The Spl Inspector General of Police, Nanded Region, Nanded has filed the report. The concerned Head Constable Shri Wagalgave has also filed his reply dated 3.4.2006.

While denying the allegations made in the complaint, it is pointed out that the complainant was picked up as there was law and order problem on the bus stand. An offence was registered under Sec. 110, 117 of the Bombay Police Act against the complainant. It is stated that the complainant did not make any grievance before the Court regarding beating when he was produced in the evening. It is further pointed out that the complainant has made this complaint to take revenge as preventive action was taken against him by the said police.

Having heard the parties, I am of the opinion that the report as well as reply filed by the respondents do not inspire confidence. It is difficult to under stand that a normal person without any reason, will creates law and order problem, during the daytime and that too at the bus stand. The allegations of the complainant that he was beaten mercilessly without any reason get support from the medical case papers. The complainant was required to remain

in the Government hospital from 11.7.2005 to 13.7.2005. Unfortunately in the report/reply submitted before the Commission, nothing is stated about the medical certificate. Merely because the complainant did not complain to the Magistrate that fact by itself is no ground to reject his allegations of beating. Nothing is mentioned regarding relatives of the complainant having been informed when the complainant was arrested. It is very easy for the police not to mention about the arrest in the register maintained by the Police Station.

In view of above aforesaid discussion, I am of the opinion that the Head Constable Shri Wagalgave is in fact responsible for ill-treating the complainant. Assuming that the complainant was responsible for creating law and order problem at the public place, there was no justification to beat him there as well as on the way to the Police Station.

The respect of human rights is an essential part of rule of law. One of the principles of human right's law is that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

In view of above discussion, **the Commission direct by recommendations that the Superintendent of Police, Latur** shall hold appropriate enquiry and shall take appropriate action, by deputing the Officer not below the rank of Sr. Police Inspector against Head Constable Shri B. M. Wagalgave. The complainant be heard at the time of hearing. The medical report as well as the observations of the Commission made hereinabove, be also taken into consideration.


The **Commission further recommends** that the complainant shall be paid **Rs. 5,000/- (Five Thousand only)** by way of compensation. It may be open for the department to recover the said amount from the concern Head Constable Shri B. M. Wagalgave.

The compliance report shall be submitted on or before **31<sup>st</sup> December 2008.**

With this direction/recommendation, the case stands closed.

Mumbai; September 10, 2008.



  
(Justice Kshitij R. Vyas)  
Chairperson.