



## **MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI**

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

19.09.09

**Case No. 345/2009-10 / 1893**

**Name of the complainant :** Smt. Mirabai Babu Khairnar  
At & Post Vadel, Tal-Malegaon  
Dist-Nashik.  
V/s  
The Superintendent of Police  
Dhule.

**Date :** September 7, 2009.

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

### **PROCEEDINGS**

Neither the complainant nor the respondent is present at the time of hearing. However, report is already filed in the case by the Superintendent of Police, Dhule.

The complainant's son has been murdered. It is the grievance of the complainant that since more than a year she has been approaching the respondents to expedite investigation into the murder. According to her even she has submitted names of the accused suspects, but no action is taken by the respondents to arrest them. Hence the complaint.

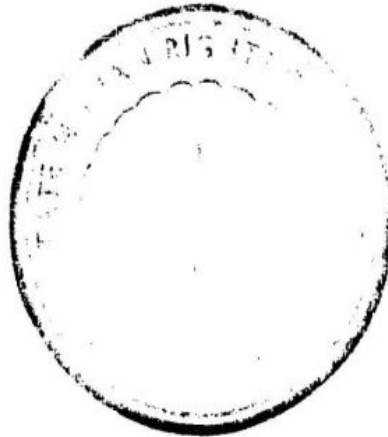
In the report submitted in the case, it is submitted that deceased was a habitual alcoholic. As per Post Mortem and subsequent medical opinion, it is submitted that deceased died due to injury to his skull caused while jumping in to the well and drowning. Thus, according to the police the deceased committed suicide.

Having gone through the allegations made in the complaint as well as the report, I find that on several points raised by the complainant, the report submitted by Superintendent of Police does not answer those points. For example she has pointed out the inquest panchanama carried out mentioned recovery of the body of an "unknown person" from the well on 14.1.2008 whereas she alleges that Shinde Builder called her and gave her the number of the Police Patil of the village in which her son's body was found and asked her to call him. Shinde Builder allegedly told the complainant that her son was creating a scene after consuming too much alcohol (He did not tell her that her son is dead). The Police Patil then informed her about the death of her son. The complainant, therefore, questioned that how did the Police Patil know the deceased was her son when the inquest panchanama mentions recovery of an unknown dead body.

The complainant claims that there is some ambiguity the statements made by Shinde Builders, and hence she has been praying that mobile records from 12.1.2008 to 14.1.2008 be obtained by the police. However, report submitted in the case, makes no clarification regarding the said point raised by the complainant. There are so many other questions and they are unanswered. Under the circumstances, the Commission feels that reinvestigation is absolutely necessary.

**The Superintendent of Police, Dhule is, therefore, directed to carry out the reinvestigation by any other Officer, not below the rank of Police Inspector with respect to the death of the son of the complainant as early as possible and in any case not later than three months from the date of receipt of this order and thereafter submit the compliance within one month.**

With this direction, the complaint is disposed off.



Handwritten signature of Justice Kshitij R. Vyas

**(Justice Kshitij R. Vyas)  
Chairperson.**

**Mumbai; September 7, 2009.**