



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

Administrative Staff College Compound, 9, Hajarimal Somani Marg, Opp. C.S.T. Mumbai - 400001.

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Case No. 4/14/2006-07/1617

Name of the complainant : Santoshi Kalappa Tawar
C/o Mallappa Malkappa Barurkar
At & Post Barur, Tal- South Solapur
Dist-Solapur.
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V/s

1. The Director General of Police
Maharashtra State, Mumbai.
2. Additional Director General of Police
C. I. D. Pune.
3. The Superintendent of Police
Kolhapur.

Date : June 30, 2009.

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

PROCEEDINGS

The complainant is not present at the time of hearing. However she has informed by phone as she is unable to come due to ill health. On behalf of the respondent the then Investigation Officer of Karveer Police Station API Shri A.T. Khobare has remained present.

The complainant alleges murder of her husband by his friends one Vijay Magdum and others. She alleges that the matter was a clear case of murder by forcing deceased to consume pesticide and later to burning him. According to the complainant the police wrongly classified the case of suicide, in a bid to protect the accused.

Having gone through the report submitted in the case on 11.2.2009 the Commission was of the opinion that police have half heartedly carried out the investigation, in as many as five reasons were recorded warranting reinvestigation in the case. The Commission accordingly directed the Spl. Inspector General of Police of the Commission to carry out the investigation under his supervision by the Investigation Wing and submit appropriate report before the Commission.

In compliance with the direction the Spl. IGP of the Commission submitted his report on 17.6.2009. In para 19 of the report he has found following lacuna in the investigation:

"Enquiries revealed that Shri Bhausahab Birnale made an application to the LCB, Kolhapur against deceased Kalppa Ramchandra Tawar regarding taking loan amount of Rs. 7, 80,000/- from KDCC Bank by producing false documents by the deceased. During the above application enquiry by the local crime unit, it was disclosed that the deceased committed an offence, from that time onwards the deceased was in a disturbed mind. Because of this, the deceased has committed suicide which was supported from the available suicide notes. The medical evidence i.e. C.A. report (dt. 2.5.2006) shows that **"general and specific chemical testing does not reveal any poison including carbon monoxide"** and doctors of CPR hospital gave opinion (1.6.2006) the cause of death was due to head injury. On 3.3.2006 medical officers who conducted post mortem gave their opinion **"head injury with unknown poisoning in a case of post mortem burns; however opinion reserved, viscera preserved for C.A."**. From this it is clear that the death was due to head injury not because of burns. It is also clear from the C.A. report no poison was there, at the same time absence of carbon monoxide presence in the blood proves that the burns were caused after death. The head injury was on the back side of the head as per inquest Panchanama and the tile used from the photographs appears to be big enough and difficult to cause such a self injury. The local police investigated the case from the suicide angle based on the suicide notes and medical evidence was not examined thoroughly. During enquiry of the matter, the applicant expressed doubts on character of deceased husband before visiting investigation team which needs to be examined/investigated".

The Spl. IGP accordingly recommended the case for reinvestigation.

As stated above, the Commission itself was not happy with the manner in which the investigation was carried out and the investigation carried out by the Investigation Wing of the Commission also found that the investigation is not carried out in the manner in which ought to have been carried out. Under the circumstances, there is every reason for the Commission to accept the report submitted before the Commission. In the result the report submitted by the Spl. IGP of the Commission is accepted and following recommendatory directions are given:

It is recommended that the case registered as C. R. No. 71/06 before the Karveer Police Station, be handed over to C.I.D., Pune for re-investigation with the instructions to complete the same in time bound programme and for that the Director General of Police, State of Maharashtra, Mumbai to issue necessary orders accordingly.

The action taken by the Director General of Police be reported to the Commission within Six weeks from the receipt of the order.

The Registrar, SHRC, to communicate order to Director General of Police and all concerned authorities accordingly.

With this recommendation, the complaint is closed as far as the Commission is concerned.




(Justice Kshitij R. Vyas)
Chairperson.

Mumbai; June 30, 2009.