



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. 5458/2007-08 | 364

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७/११/०८

Name of the complainants :

1. Shri Himmat Bhawarlal Jain
2. Shri Arvind Bhawarlal Jain
2/273, Machiwala Compound Building
Ground Floor, R. B. Marg
Opp. Mafatlal Mill, Ghodapdeo, Mazgaon
Mumbai-400 010.

V/s

The Superintendent of Police
Thane (Rural).

Date : October 7, 2008.

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

PROCEEDINGS

Neither the complainants nor the respondents are present. In fact the complainants are remaining absent since last three occasions. Since the report is already filed, on the basis of pleadings, this complaint is taken up for hearing today.

It is alleged in the complaint that on 15.1.2008 at about 2.30 p.m. persons came to the complainants' shop when complainant No.2 was present in the shop. The above person enquired about the mobile number of complainant No.1 i.e 9322842800. When complainant No.2 enquired about them he was informed that they were Police Officers from Manikpur Police Station, Vasai and Thane. It is alleged that they forcibly entered into the shop and searched entire shop and threatened him. It is further alleged that the complainant No.2 was taken into Gauripada Police Station where he was tortured. He was detained in the police custody for 2 days and then sent to K.E.M. Hospital, Parel for the treatment. The complainants have prayed to take action against the concerned Police Officers.

In the report submitted by the Superintendent of Police, Thane (Rural), while denying the allegations made in the complaint, it is pointed out that the police apprehended one Sharukh @ Abdul Siraj Shahbuddin Khan in the alleged offence under Sec. 454, 457, 380, 34 IPC. During the interrogation of the said accused, the police found that the said accused tried to contact the complainant No.1 on his mobile for the purpose of selling of stolen goods in connection with the same, the police called the complainant No.2 Arvind Jain at the Police Station and after interrogating him he was allowed to go.

In substance, it is pointed out that the complainant No.2 was called for the purpose of recording his statement.

Having gone through the contents of the complaint, as well as the report, I found some substance in the allegations made in the complaint, when it is alleged that the complainant No.2 was tortured with undue means and was detained in the police custody for 2 days and then sent to K.E.M. Hospital for treatment. Having seen the medical case papers of K.E. M. Hospital, it is clear that the complainant was in fact ill-treated. It is clearly stated in the case papers that the complainant No.2 was assaulted by Gauripada/Manikpur Police with shoes, belt, causing injuries to abdomen, left knee, both U.L. There is no explanation regarding the injuries sustained by the complainant No.2 at the hands of the police in the report filed before the Commission. In other words the allegations made by the complainants against the Police Officers remain undisputed.

Under the circumstances, the Commission is of the opinion that in the name of the enquiry/interrogation, the concerned Police Officers have totally exceeded their power by ill-treating the complainants and thus violated their human rights. Unfortunately, the complainant unable to give the names of the concerned Police Officers, however, he has stated in the complaint that he can still identify those Police Officers who have misbehaved with him. Fortunately, in the report submitted by the Superintendent of Police, Thane (Rural), the names of the concerned Police Officers are mentioned. They are API Shri Hanumant Rajaram Dangare, PSI Shri Prabhakar Manaji Parab, Police Naik Shri Kiran Bhaskar Chaudhari and Police Constable Shri Vijay Babu Rathod. In the opinion of the Commission, the matter requires serious attention at the highest level.

The **Commission, therefore, recommends that the Superintendent of Police, Thane (Rural)** shall appoint appropriate Officer to hold the Departmental Enquiry against the concerned Police Officers stated above, in view of the observations and findings recorded by the Commission and take appropriate action. The Departmental Enquiry be initiated and completed as early as possible, but in any case not later than **15th January 2009**. The compliance report be filed **15 days** thereafter.

With the above recommendation, the case is ordered to be disposed off.



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

Mumbai; October 7, 2008.