



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

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SRB/Case 1405/2011-12

Name of the complainant : Dattatray S.Sangale
V/s.
Superintendent of Police, Beed.

Date : 21st January, 2014

Coram : Justice S.R.Bannurmth
(Chairperson)

ORDER

This complaint by one Shri.Dattaray B. Sangale alleging illegal arrest, detention and misbehaviour by a police officer Dhanraj Sadashiv Gawane the then Asst. Police Inspector (A.P.I) of Amalaner Police Station. It is stated that on 10.05.2011 in the evening when the complainant was going on his motorcycle near a petrol pump the A.P.I stopped him and started talking to him in abusive words and when the complainant tried to answer, the A.P.I suddenly started hurling abusive words and stating that he must be taught lesson for arguing with the police, illegally arrested him and booked case against him for drunken driving after registering F.I.R and also subjected him to medical examination. It is important to note at this stage itself that the report of the Medical Officer clearly indicates that there was no alcoholic smell coming from the mouth of the complainant, he was behaving normally and even his eyes pupil were normal and not dilated. This uncontraverted medical evidence clearly belies the story of the A.P.I that as he smelt alcohol from the mouth of the complainant and hence have to arrest him appears to be a make believe story for the purpose of meeting the allegations before this Commission.

Added to that Shri.Dattatraya Mandalik the Superintendent of Police, Beed who is present today has fairly stated that he made inquiry in this regard and infact after recording the statement of said A.P.I founding guilty of minor dereliction of duty and as such issued show-cause notice as why minor punishment should not be imposed.

Perusal of the entire chain of events, un-contraverted medical report and the fair manner in which the Superintendent of Police has conducted inquiry in this regard clearly point out towards the believable & acceptable truth about the complainant's allegation. As such I deem it proper to make following recommendations:-

- (a) The State Govt. & the Home Department, Mantralaya should issue proper guidelines for the police especially in the light of the guidelines issued by the Apex Court in D.K Basu & other Cases and direct strict compliance so as to prevent the present incident like illegal detention or filing of the false case.
- (b) As a senior citizens who is a retired School Teacher has been harassed and infact his human rights have been violated by the illegal detention & false case lodged by the said A.P.I. I recommend the State Govt. to make payment of interim compensation of Rs.50,000/- to be paid to the complainant within six weeks from the receipt of this order and report compliance thereafter.

With these recommendations case is closed.

(Justice S.R. Bannurmath)
Chairperson

Mumbai.