

**MAHARASHTRA STATE HUMAN RIGHTS COMMISSION**

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SHRC/VGM/07/2009/2/35

**Case No. -1531/2006-07**

Name of the Complainant : Vitthal Sonbaji Sherje  
R/o. Post Veni (Kasba)  
Tal. Babhukgaon  
Dist Yavatmal

Vs.

The Superintendent of Police  
Yavatmal

Date : 21 July 2009

Coram : **Justice V G Munshi, Member**

**ORDER**

Read the averments made in the complaint. Heard  
PSI Brijpal Rajbal Police Station Kalam. Read the case papers.

2. Important facts of the case of the complainant may  
be briefly stated as under.

Complainant Vitthal Sherje is the father and the  
complainant Vasudeo Sherje is the brother of one deceased Nandkumar  
Sherje. Respondent No. 3 Archana Sherje is the wife of Nandkumar Sherje.  
Respondent No. 1 Sanjay Aasutkar and Respondent No. 2 Deepak Chandore  
were then working in primary school at Sawargaon. Nandkumar Sherje was  
then working as Asst Teacher in Marathi Primary School at Sawargaon. He  
married Respondent Archana Sherje and the couple got one son and one  
daughter out of this wedlock. Respondent Archana Sherje was then serving



as a Teacher in Umri Primary School. She any how came in contact with Respondent No.1 Sanjay Aasutkar and she did keep illicit relation with him. It was alleged that Respondent Deepak Chandore supported Respondent No.1 in this matter. Deceased Nandkumar Sherje came to know about these illicit relations and therefore, often quarrel used to take place among the husband and wife. Despite of the advice given by the complainants, Respondent Archana did not improve her behavior. It was alleged that these Respondents wanted to get rid of Nandkumar Sherje. That on 23.01.2007 quarrel taken place between Nandkumar and these Respondents. Thereafter, one by one they all left house of the complainant. That on 27.01.2007 dead body of the Nandkumar Sherje was found within the limits of village Pathrad. The matter was reported to the Police, Police completed all the formalities. It was alleged by the complainant, the Respondent did commit murder of Nandkumar Sherje. Therefore, they moved the Commission for necessary action in this matter.

3. Respondent Superintendent of Police, Yavatmal denied and disputed all the allegations made in the complaint. According to the Respondent deceased Nandkumar Sherje was addict of drinking liquor and therefore, often quarrels used to take place among them. As usual that on 23.01.2007 again quarrel taken place between husband and wife, the deceased left the house under the influence of liquor and went to village Kalamb riding on motorcycle. According to the Respondent, Nandkumar Sherje consumed poisonous substance, committed suicide and ended life. In short according to the Respondent it was a case of a suicide.

4. Therefore, it is necessary to view the case of the complainant in the light of facts and circumstances brought on record and also in the light of report filed by Superintendent of Police, Yavatmal.

- (i) Dead body of Nandkumar Sherje was found within the limits of village Rajur on 27.01.2007. The body was lying by the side of Ralegaon Kalamb Road. The motor cycle MH-29/G-9230 was found standing in the field. On the basis of the report given in Police Station Kalamb AD No. 3/2007 u/s 174 of Cr PC



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was registered. PI Phulpagar did investigation in this crime. The Investigating Officer transpired that Nandkumar Sherje was addict of drinking liquor, he consumed poisonous substance. Tin of insecticide was found lying on the spot of the incident. The Investigating Officer found, one chit in the pocket of the deceased, which he did write and which was addressed to his wife. The Police completed all the formalities and came to the conclusion that it was a suicide committed by Nandkumar Sherje. The complainants on the other hand knocked the doors of the Commission, with a case that Police did not take any action. According to them, the Respondents alone were responsible to the death of Nandkumar Sherje. In short according to them, Nandkumar Sherje died homicidal death. Therefore, it is necessary to view the case on this background.

- (ii) **Firstly**, the complainants have come with a case that wife of Nandkumar Sherje was having illicit relationship with Respondent Sanjay. It was further alleged that they alone were responsible for the death of Nandkumar Sherje. Thus, according to the complainants there was motive for the Respondents to kill Nandkumar Sherje. We know that motive is the reason which induces a person to commit and act which he intends to do and does. The Investigating Officer did not at all consider the motive or intention behind the act. **Secondly**, according to the complainant that on 23.01.2007 quarrel taken place between the deceased and the Respondents, the deceased was last seen in the company of the Respondents. According to the complainants Police did not take into consideration this circumstance. **Thirdly**, the Police seized one chit from the pocket of Nandkumar Sherje, it was sent to the handwriting expert for comparison. The expert showed his inability to give any positive finding about the handwriting of the deceased. Thus, it does not show that the chit was written in the



handwriting of Nandkumar Sherje. **Fourthly**, a tin containing of insecticide was seized from the spot of the incident. The viscera contents and the tin were send to the chemical analyzer. The reports of the chemical analyzer show that poison was not detected in all these exhibits. Therefore, the case of the Respondent that the deceased consumed poison and ended his life, falls to the ground. **Fifthly**, autopsy was held on the dead body of the Nandkumar. Tthe column no. 17 and 18 of the report shows that Nandkumar Sherje did sustain injuries which were antimortem and also fractures. It indicates that physical force was used or assault was made upon the deceased. All these circumstances, do not point towards, the theory which was put by the Respondents, that Nandkumar Sherje did commit suicide.

After considering all the circumstances, appearing in this case I am of the opinion that, no proper investigation was made in this matter and it certainly caused injustice to the complainants. In other words, proper investigation is necessary in this matter. Therefore, I make following recommendations.

- (A) **The Investigating Officer to make proper investigation in the AD 3/2007 in the light of observations made above and to take proper action according to law at early date.**
- (B) **Copy of this order be sent to Superintendent of Police, Yavatmal for information and necessary action through Secretary – MSHRC, Mumbai for necessary action**

With these observations and recommendations Case No. 1531/2006-07 is disposed of accordingly.

Dated : 21 July 2009



*V. G. Munshi*

(Justice V G Munshi)  
Member, SHRC

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