



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Terminus (VT), Mumbai - 400 001
Tel : 2207 3434 Fax : 2207 3434, 2209 2857 Website : <http://mahrc.maharashtra.gov.in>

SHRC/VGM/2/2011/379

Date: 25/2/2011

Case No. – 5413/2009-10

Name of the complainant : Meenakshi Vitthal Shinde
Samidha CHS, Ground Floor, Room No. 3
Agaskar Tekdi, Kulgaon – Badlapur (E)
Thane.

Vs.

The Asst Commissioner of Police
Thane

The Sr Police Inspector
Badlapur West Police Station
Thane

The Superintendent of Police
Thane (Rural)

Date : 9 February 2011

Coram : Justice V G Munshi, Member

ORDER

Read the averments made in the complaint and the report received from Respondent Asst Commissioner of Police, Thane. Read the case papers. Heard the parties.



2. Before proceeding with the merits of the case, points to be decided etc it is necessary to acquaint ourselves with the facts and circumstances of the case with which we are concerned.

The complainant is resident of the given address. The alleged incident taken place on 31.12.2009 at about 1.00 p.m. in the noon. Vitthal Babu Shinde father of the complainant was present in cobbler shop which is situated near Bajaj Service Centre on Ambarnath – Badlapur Road. At that time one Naushad Ansari driven Crane (No. MH-5, Z- 160) rashly and negligently by the road. The crane given dash to the cobbler's stall. In this accident father of the complainant was seriously injured and died on the spot. This incident was witnessed by Naresh Gaikwad and Bajirao Pansare friend of complainant's father. Thereafter Bajirao Pansare lodged complaint in Police Station Badlapur and offence at crime No. 124/2009 under sections 304 A, 279, 337 of IPC was registered against crane driver. Police arrested crane driver, produced him before Court and in the last he was released on bail by the Court.

3. The complainant knocked the doors of the Commission and made following grievances.

- (i) Vitthal Babu Shinde was the only earning member in family and because of his sudden death, the family members are leading miserable life.
- (ii) The driver of the crane was rash and negligent in driving the vehicle, the crane was old one and driver driven the crane during day time and during busy hours that too without valid licence. The crane was not insured.
- (iii) The Police immediately returned the crane to its owner without order of Court.
- (iv) The Police did not give copy of FIR and copies of other case papers to complainant and made abnormal delay.
- (v) There was delay in making investigation in this crime and no proper investigation was made by Police.



R/R,HRG AND CLOSED – RECOMM.

- (vi) That there was harassment or ill treatment to the complainant and her family members, at the hands of Police.
- (vii) The Police threatened the witnesses.
- (viii) The Respondent Police did not give copies of documents to the complainant. These copies were given after the directions issued by the Commission.
- (ix) The complainant was unnecessarily called in Police Station number of times, and she was harassed.
- (x) The ~~complainant of the~~ complaint was not properly recorded.

Therefore, the complainant approached the Commission and filed such complaint for necessary action.

4. The Respondent Asst Commissioner of Police (Crimes), Thane by filing their report denied and disputed all the allegations made against them in the complaint. According to them they have taken proper action in this matter.

5. The complainant made several allegations against Police Officer as mentioned in the above paragraph. Even copies of documents were given to complainant after the intervention of the Commission and after the directions issued by the Commission. The complainant was required to go in Police Station number of times. The Police even filed chapter proceedings against the complainant. Therefore, there is reason to believe that the complainant was harassed by the Police. Therefore, I am of the opinion that there is substance in-to the allegations made in the complaint.

I therefore, make following recommendations in this case

- (i) **Superintendent of Police, Thane (Rural) either himself or through any other senior Police Officer to make inquiry into the allegations, made against Police Officers / Officials and reproduced in this order, in the light**



R/R,HRG AND CLOSED – RECOMM.

of observations made above and to take necessary action according to law.

- (ii) Copy of this order be sent to Superintendent of Police, Thane (Rural) through Secretary Maharashtra State Human Rights Commission, Mumbai for information and necessary action and compliance may be reported.

With these observations and recommendations Case No. 5413/2009-10 is disposed of accordingly.

The Secretary to communicate this order to the parties concerned.



✓ Sd/—
(Justice V G Munshi)
Member, SHRC



R/R,HRG AND CLOSED – RECOMM.