

MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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SHRC/VGM/10/2009/ 2955

Date: 29th October 2009

Case No. - 74/28/2005

Name of the Complainant : Dyaneshwar Ramchandra Ghodke
At Post Anwali
Tal. Pandharpur, Dist Solapur.

Vs.

The Superintendent of Police
Solapur

Date : 16 October 2009

Coram : Justice V G Munshi, Member

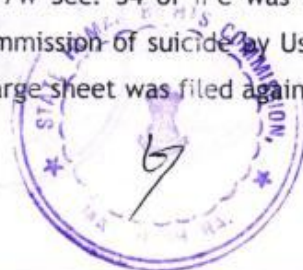
ORDER

Read the allegations made in the complaint and report received from the Superintendent of Police, Solapur (Rural). Read the case papers. Heard the parties.

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

Usha daughter of complainant married one Satish Tukaram Jagtap resident of village Ambe, Tal. Pandharpur on 05.05.2003. After marriage she resided with her husband in his house in village Ambe. Satish, his parents Tukaram and Neelabai, Sister Vijaya and brother-in-law Babasaheb Shinde started ill treating her in order to extract money from her parents. Whenever, Usha visited her parent's house she did make complaint of ill treatment at the hands of these persons. Thus, these persons made her life miserable.

3. That on 24.07.2005 dead body of Usha was found in river Chandrabhaga. On the basis of the report given by the complainant offence at Cr.No. 30/2005 under Sec. 306, 498 A r/w Sec. 34 of IPC was registered against all these persons for having abated the commission of suicide by Usha. Accused were arrested. After completing investigation charge sheet was filed against them in the Court.



4. In meantime the complainant came to know that his daughter did not commit suicide, but these persons killed her and thus committed her murder. It was alleged by the complainant that his daughter Usha had personal knowledge of illicit relations of her mother-in-law with some other persons. In fact Usha had actually seen all these things. The accused persons apprehended that Usha would disclose all these things to her parents and therefore, they killed Usha. This matter was sub-judice before Sessions Court, Pandharpur. In meantime complainant did file criminal writ petition on 2646/2005 before High Court, Mumbai. On the basis of medical and medico-legal evidence Section - 302 of IPC was added in the charge. all these accused persons were put on trial. Satish Jagtap (accused No.1) and Babasaheb Shinde (accused) died during the pendency of trial. Therefore, trial proceeded only against the remaining accused. Accused No.3 Tukaram, Accused No.4 Nilabai and Accused No.5 Vijaya were convicted under Sections 306, 498 A r/w Sec. 34 of IPC and were acquitted under Sections 302, 304 (B), 201 r/w. Sec. 34 of IPC. From the record it does not appear that any appeal was preferred against the said judgment and order passed by Addl Sessions Judge, Pandharpur in Session Case No. 31/2005.

5. It was alleged that in meantime Satish Jagtap was released on bail by the Court. He before Police and every time did tell that Usha was murdered and she did not commit suicide. Thus, Satish Jagtap supported the case of the complainant. It was alleged by the complainant that therefore, parents of Satish Jagtap and other persons got annoyed. They thought that Satish Jagtap would give evidence in Court against them and would send them for undergoing life imprisonment. Therefore, they that on 13.05.2005 committed murder of Usha. They however, made a show that Satish Jagtap intentionally touched live wire of electricity, got the shock and thus, ended his life out of frustration. Thus, on the basis of report lodged in Police Station A.D. No. 33/2005 under Sec. 174 Cr PC was registered on 14.05.2005. The Police after inquiry came to the conclusion that Satish Jagtap committed suicide.

6. The complainant has come with a case that Satish Jagtap had on small child and therefore, he had no reason to commit suicide. In short according to the complainant the Respondents committed murder of his daughter and also of her husband Satish. Therefore, he moved the Commission for necessary action in this matter.



R/R,HRG - RECOMM.

7. Respondent Superintendent of Police, Solapur (Rural) denied and disputed all the allegations made in the complaint. According to them Police have taken proper action in this matter.

8. In this case Police have taken proper action by filing charge sheet. The Court taken trial under Sec. 302 and Sections of IPC. The Court acquitted the Respondent (accused) under Sec. 302 of IPC and convicted them u/s. 306, 498 A r/w Sec. 34 of IPC. Thus, there is decision of competent Court. The same point cannot be agitated and tried before Commission in view of clause 8 (i) of the Maharashtra State Human Rights Commission (Procedure) Regulations, 2001 r/w Sec. 10 of the Protection of Human Rights Act, 1993. In this matter Police have taken proper action and therefore, calls for no adverse remarks.

9. It was alleged by the complainant that Satish Jagtap did not commit suicide and he was murdered by the Respondent (accused). In this matter Police registered AD No. 33/2005 under Sec. 174 Cr PC on the basis of report filed by father of Satish. Police did not take any action in this matter, after coming to the conclusion that Satish committed suicide out of frustration. After going through all the circumstances prevailing in this case in their sequence, it appears that really there was no reason for Satish to commit suicide. If we consider the circumstance of the case, then the possibility of homicidal death cannot be denied. I therefore, see no reason to agree with the Report. In my opinion fresh inquiry is necessary in this matter. I therefore, make following recommendations.

- (A) Superintendent of Police, Solapur either himself or through Senior Police Officer to make inquiry, afresh in Cr. No. 33/2005 registered in Police Station Pandharpur Taluka and if necessary to take further action according to law.
- (B) Copy of this order be sent to Superintendent of Police, Solapur through Secretary Maharashtra State Human Rights Commission, Mumbai for necessary action according to law at early date. Compliance be reported.

With these observations and recommendations Case No. 74/28/2005 is disposed of accordingly.



V. G. Munshi
(Justice V G Munshi)
Member, SHRC

R/R, HRG - RECOMM.