

Date: 26. 02. 2018

A Message vide Org. No. 01(A)/ E(Reader) dated 01.01.18 has been received from the S.P. Cooch Behar, intimating unnatural death of one unknown miscreants, to the effect that on 29/30.12.2017 at around 04:10 hrs., Bn. BSF personnel were performing patrolling duty and observed some suspicious movement of a group around 30-40 miscreants were trying to cross Indo-Bangladesh border. C/130401850 Shib Dass challenged them but they paid no heed rather shown sharp cutting weapons.. Finding no other alternative but to save his life opened fire 05 rounds from his Insus Rifle in the air towards Bangladesh side. On search one unknown dead body was found on the ground. Over this incident Sitalkuchi PS Case No. 412/17 dated 30.12.17 was started

Ld. Registrar

That being the position, the Superintendent of Police, Cooch Behar is directed to send a detailed report along with copy of the Inquest and the Post Mortem Report of the deceased to this Commission within a period of four weeks from the date of communication of this order. Also intimate whether an inquiry under Section 176(1-A)(b) of Cr.P.C. has been held by Ld. Judicial Magistrate, if so a copy thereof be sent.

The order of the Commission is to be communicated forthwith.

A.S.


(M.S. Dwivedy)
Member

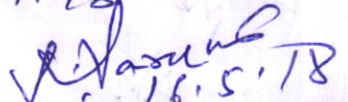
Orders as above .

F/cs put up for approval.

SDB

A.S.

AJ
20.04.18


16.5.18

Memo No. 1980/E (Reader) Dated 21/6/18 from Superintendent of Police, Cooh Beker.

~~A~~
~~D.R.~~
24/7/18

W. J. James
2.8.18

Report of SP Cooh Beker dt 21-6-18 reveals that on 30-12-17 at about 6.45 hrs an information received by Sitalkuchi PS from Coy Commander BSF 100 Bn Pajlman BOP that one unknown deadbody was lying on the tobacco field at Ull Baumaria beside IBB fence. The body was recovered by police and post mortem accordingly done. Later it was found that the dead body is of a Bangladeshi National. On 29/30-12-17 at about 2.40 hrs 30/40 Bangladeshi National came near international fencing and threatened BSF constable Shibdas who later on opened fire upon the miscreants in order to stop them. one of the miscreants died due to gun shot injury. Thereafter Sitalkuchi PS Case no 412/17 dt 30-12-17 started Ull 147/148/186/188/332/506 IPC 7/539 PDP Act started and case is proceeding. Magisterial enquiry also done accordingly.

Pl. call for status report.

22/11/18

ben
16/11 29K
15/11/18

~~Pr. secretary~~
~~House member~~

A/S

Orders prepage.
F/c signed.

V. Dasgupta
26.11.18

O.I. NO. 1321/WBHR/Gen/21/18

Dt. 27.11.18

Memo No. 176/E/Reader Dated 16/1/19
from Superintendent of Police, Cooch Behar.

20/1/19

V. Dasgupta
12.4.19

~~AJ~~
~~D.R.~~

Report of SP Cooch Behar dt
16-1-19 re: that at the Saturday
night of 29/30.12.17 BSP CT Shikhan
was performing duty near border at Paydaman
BOP. He found some miscreants came
close to IBB border fencing and threatening him
to the effect that they would cut the fencing.
He threw Stan grenade and the miscreants
became much offensive. He therefore fired
5 rounds from his Service Insaar Rifle and one
miscreant died due to the gun shot.
He lodged a complaint at Sitalkuchi PS and
Case no 412/17 dt 30.12.17 dt 197/198/199/
186/188/332/506 IPC v/w S. 37 P D P D Act
Corresponding to Sitalkuchi PS UD Case no 40/17
dt 30.12.17. Dead body of one miscreant
found near fencing along with a sword
and wire cutter. The deadbody was
later identified as body of Saiful Islam of
Lalmorhat a Baspalderhi National. The investigation
is pending call for statm report by
16th Oct 2019 26.8.19

Per Secretary
Honorable
Chairman

Orders prepage,
F/c signed.

V. Saxena
11.9.19

O.I. NO 1643/WBHR/Gen/21/18

Dt. 28.11.19

Memo No. 67/E/Receiv Dated 6/1/2020 from
Superintendent of police, Cooh Behav.

DR
19/3/2020

A. Sarker
3.7.2020

Report of SP Cooh Behav
dt 6-1-20 reveals that Sitalkuchi
PS case no 912/17 dt 30.12.17
CPs 147/148/149/186/188/332/506 IPC
V/W S 3 of PDPP Act has ended in
Final Report as True and sitalkuchi
PS FRTM 85/19 dt 20.5.19 filed before
Ld Court with a view to reopen the
case if any clue be detected in future

DGL

Honorable Chairman

17-7-20

The deceased was a national according to the report
was a BB national. He died of a bullet injury inflicted by
CT Shiv Dars from his 9MSAS rifle reportedly in self
defence. The report dated 10/1/19 refers to ~~Shankar~~ Roy
(C/1281) which is a source of confusion,
and shall be required if a clue is detected in future.
What clue is awaited and what mystery remains to be
resolved could not be followed. Call for clarification within 4 weeks
of receipt here of, 17/7/20

O.I. NO. 293/WBHR/Gen/21/18
Dt. 4.9.20

17/7/20

NOTE SHEET

-5-

P.M. 21/WBHR/GEN/18

No. 2678 /E/Reader dt. 22/12/2020 from
S.P of Cocha Behar.

~~A~~

S
22/2/2021

hm
22.02.2021

Ld. Dep. Regr.

From the letter of SP Cocha Behar vide Memo No. 2678/E/Reader dt 22/12/2020, along with its enclosure containing report of SDPO Malhabanga vide Memo No. 1275/SDPO/MTA/20 dt. 28/11/2020.

In this report dt 28/11/2020, the report vide Memo No. 50/SDPO (MTA)/19 dt. 10/01/19 of SDPO Malhabanga has been clarified to the extent that C/1281 - Sharban Roy was posted at Sihalukuchi PS at that time and was the escorting constable of Sihalukuchi PS UD Con No. 40/17 dt. 30/12/17. D/O forwarded the dead body to the Suptd. of Malhabanga SD Hospital. After return of C/1281 to PS from hospital, D/O seized the material produced by the constable.

On the alleged incident Sihalukuchi P.S. Con No. 412/17 dt. 30/12/17 up 147/148/149/186/188/332/506 EPC was started, which ended in Final Report as true vide Sihalukuchi P.S. FRT No. 25/19 dt 20/05/19, with a view to reopen the case in near future if any clue be detected. To clarify this, it is submitted that D/O in his

and

final report has noted that during investigation of the case all the instructions given by superior level are followed and he has tried his best to identify the actual criminals, but in vain. All the criminals are Bangladeshi and the case was just lingering with no any development. Hence D/O submitted FRT with a view to reopen the case in near future, if any clue is detected.

Naresh Kumar (A)

02/03/21

Ld Dy Registrar

This is a case of encounter death as a result of firing by BSP which is a Central Police organization (we do not have jurisdiction over it). Secondly, original message is addressed to Registrar NHRC. Pls check the current status & what action taken by them.

Naresh Kumar
4/8/2021

LD

NOTE SHEET

- 7 -

Fr. 21/WBHR/C/2018.

See the order dt. 04/03/2021 of Hon'ble Member (A).
Accordingly the case details from NHRC website is
downloaded and kept with the file.

It appears from their letter D/No. 2409/CR/2018,
Compl. No. 35/25/6/2018-PF. with Registered Date
05/01/2018 started and proceedings continued.
Pursuant to the direction given by NHRC, the
Investigation Division recommended to close the case
as after investigation of Sibalukchi P.S. FIR No. 412/17,
I/O submitted Final Report as per vide Sibalukchi
P.S. FRT No 85/19 dt 20/05/2019 and no complaint
was received with matter.

Hon'ble Member (A)

On 27/01/2020, the recommendation made by
Investigation Division was examined and then
accepted by NHRC and the case was directed to be
closed.

09/03/2021

Reference my notes at NSP 6.
I'd DR checked NHRC website and
ascertained that they took cognisance
and hence filed the matter
on 27/1/2020. Hence this case be
closed

manoj.
15/07/2021

Hon'ble
Chairman

