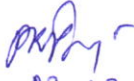


Dated 02.02.2021

A Message vide Org No. 3592/2020 dated 16.12.2020 has been received from the Officer-in-Charge, Mekhliganj, P.S., Cooch Behar intimating the custodial death of an unidentified male with reference to Mekhliganj P.S. Un-Natural Death (U/D) Case No. 51/20 dated 16.12.2020 corresponding <sup>to</sup> Mekhliganj P.S. Case No. 382/2020 dated 16.12.2020 <sup>u/s</sup> 147/148/149/186/188/332/353/307 <sup>2</sup> IPC r/w Sec. 3 of PDPP Act. R/W Sec 14A <sup>of</sup> Foreigners Act. His address is not known. He expired on 16.12.2020 at 06:10 <sup>probably</sup> due to firing by a BSF Personel <sup>n</sup>.

The Superintendent of Police, Cooch Behar is directed to cause an enquiry and to submit a report by 02.03.2021 positively along with the P.M. report, Executive Inquest report and enquiry report made by the Judicial Magistrate under section 176(1A) of the Cr. P.C. which is mandatory in view of the order dated 04.09.2020 passed by NHRC.

This direction is to be communicated forthwith.

  
02.02.2021  
Registrar

294/CR/2021

Scanned

C-09  
17/20

WBP E-MAIL / RADIOGRAM

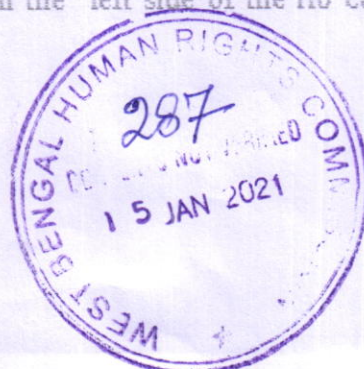
TO: THE CHAIRMAN, NATIONAL HUMAN RIGHTS COMMISSION, FARIDKOT HOUSE, COPERNICUS MARG, NEW DELHI-110001 -W- THE CHAIRMAN, WEST BENGAL HUMAN RIGHTS COMMISSION, BHAWANI BHAVAN, ALIPORE, KOLKATA-W- SP DIB CBR-W- SP CBR-W- DM CBR -W- ADDL. SP (MTG) CBR-W- SDPO MKG-W- CI MKG-W- OC DCRB CBR-W- OC CR CBR-W- SDO MKG -W- SUPERINTENDENT SD HOSPITAL MATHABHANGA, COOCH-BEHAR (.)

FROM: OC MEKHLIGANJ PS, DIST: COOCH-BEHAR, WB. (.) ORG NO.3592/2020 DATED 16.12.2020 (.)

\* REF: - Mekhliganj PS Un-Natural Death (U/D) Case No. 51/20 Dated 16.12.2020 corresponding Mekhliganj PS Case No. 382/2020 Dated 16.12.2020 u/s 147/148/149/186/188/332/353/307 IPC R/W Sec. 3 of PDPP Act R/W Sec 14 A Foreigners Act.

== The fact of the case is that on 16.12.2020 at 09.15 hrs., SI Mritunjoy Chakrabarty, OC Mekhliganj PS, Cooch-Behar received a telephonic information from Insp. Mahendra Kumar, G, Coy, 140 Bn BSF. BOP: Ratanpur, PS Mekhliganj, Cooch-Behar to the effect that an unidentified male dead body was seen near BP No 852/8-S, 11 mtr south of IBB Road beyond barbed fence who was shot by the BSF on 16.12.2020 at 06:10 hrs., near a tea garden near BP No. 852/8-S, under BOP Kaushik under Vill: 193 Ratanpur under Mekhliganj Police Station, Cooch-Behar. He further stated that on 16.12.2020 at about 06:10 hrs., few rounds of firing was done by the BSF for dispersal of miscreants and in exercise of private defense, who allegedly assaulted HC 891421049 Sube Singh of 47 Bn BSF attached with 140 Bn BSF on TD, while the miscreants were trying to smuggle cattle from Indian side to Bangladesh side. He suspected that the noted deceased might have died of gun-shot injury. On getting the information, OC Mekhliganj PS diarized the fact and informed the matter to his superiors and as per direction, he along with other officer and men left to work out the information.

On reaching the place of occurrence, OC Mekhliganj PS noticed an unidentified male dead body near a tea garden beyond barbed fence 11 mts south from IBB road, three 'daw' (an iron-made sharp - cutting weapon), 03 nos of bamboo stick, one plier, breached IB fence (damaged Indo-Bangladesh barbed fence), found on the PO, which were properly seized under seizure list in presence of the witnesses. On seeing the dead body, it was found that the noted deceased had sustained gun-shot injury on his chest (one on the right and two on the left side of the rib cage) as three bullet marks were found on the chest.



The BSF stated that HC 891421049 Sube Singh of 47 Bn BSF attached with 140 Bn BSF on TD fired first 02 rounds on air from his service arms 5.56 mm INSAS, Butt No. 175, Body No. 16860563, when the noted BSF Constable was attacked and injured by the miscreants while they were trying to smuggle cattle towards Bangladesh side from Indian side after breaching (damaging) the Indo-Bangladesh Barbed fence, further he fired one more round of 5.56 INSAS. The BSF stated that in exercise of right of private defense and for the safety of human lives and govt. property, the fire was made as a last resort.

Meanwhile, Shri Ambrish Srivastava, Coy. Commander, G Coy, 140 Bn. BSF, BOP: Kaushik, PS Mekhliganj, Cooch-Bihar lodged a complaint over the incident at Mekhliganj PS and started an Un-natural Death Case in respect of the death of deceased and a specific case against the miscreants.

Thereafter, OC Mekhliganj PS contacted Sub-Divisional Magistrate, Mekhliganj and send a requisition for deputing an Executive Magistrate for holding Magisterial Inquest over the dead body of deceased along with the parallel Police Inquest.

Later, Shri Asim Kumar Ghoroi, Executive Magistrate and DMDC, Mekhliganj arrived at the spot and in his presence, the dead body of the deceased was searched. The Entry-Wound of bullet was visible on the left-side and right-side of the chest just below the armpit.

The deceased could not be identified. Later, a Police Inquest and a Magisterial Inquest was done at the PO. The process of Inquest was properly video-graphed and photographed. Soon after, the dead body of deceased has been sent to Autopsy Surgeon, Sub Divisional Hospital, Mathabhanga, Cooch-Bihar for holding PM examination over the dead body of deceased for ascertaining the actual cause of death under proper police escort on 16.12.2020. The investigation of the case is proceeding.

Superiors for kind information (.)

OC, Mekhliganj, PS  
Cooch-Bihar, WB.