

West Bengal Human Rights Commission
Bhabani Bhavan, 2nd Floor, Alipore, Kolkata - 27.

804/WBHRC/Com/10-11

Date : 08.05.13

Present ::

1. Justice Asok Kumar Ganguly .. Chairperson
2. Justice N.C. Sil .. Member
3. Shri S.N. Roy .. Member

This is to consider a petition of one Dipankar Dey, a Homeopath practitioner. It is stated in his petition that he was selected as the secretary of Ganpur Hatala Durga Puja Committee which infuriated one Prosanta Purkait who was another aspirant to be the secretary of the said Durga Puja Committee. It is further stated that in the dead of night of 21.09.11 at about 01.30 hrs, two Police officers whose names were later known as SI Snhamoy Chokrabroty and Asis Chokraborty of Burdwan P.S. arrested the petitioner from his house without informing him of any reason and while he was being taken to the P.S. he was abused in filthy languages and also assaulted by fists and blows. After being taken to the P.S. he was assaulted with a heavy lathi. The said Prosanta Babu made a false complaint against him at the P.S. against the petitioner alleging that he could not become secretary of the Puja Committee. The petitioner, it is further alleged, is a Asthma patient and he was in the habit of using inhaler. When he was being taken by the Police from

house he requested the Police officers to allow him to take his inhaler but he was not allowed to take the same and this had caused troubles more at the P.S. On the following morning the petitioner was sent to the court and on the way to court, he was taken to Emergency department of Burdwan Hospital. The petitioner along with other prisoners were kept inside the Police van when a doctor was called but the doctor did not examine any of the prisoners who were kept inside the Police van. At that time the petitioner made a complaint from the van which was not taken into account either by the Police officers Asis Chakraborty or by the doctor. Instead SI Asis Chakraborty told him to keep silent as that was the system of medical examination. It is alleged in the petition again that Asis Chakraborty made a false medical report in this way which was produced in the court. The petitioner was granted bail on the self same day and on 22.09.11 at about 09.40 p.m. he went to the Emergency Ward of Burdwan Hospital where he narrated the incident to his attending physician for his intolerable pain. The petitioner was advised by the attending doctor to be examined on the next day i.e. 23.09.11 at the Surgical Ward of Burdwan Medical Hospital. Accordingly the petitioner was examined by Dr. K Mazumdar and Dr. Jaydip Ghosh both of whom advised him to take some medicines.

After receiving that petition the Commission took cognizance of the incident alleged in the petition and directed the S.P. Burdwan to enquire into the matter and send a report. Accordingly the matter was enquired by one Amlan Kusum Ghosh, Dy. S.P. (Hq.) Burdwan and S.P. Burdwan forwarded his

report. The said report states that one Prosanta Purkait made a complaint to the I/C on 20.09.11 alleging that he was tortured by the petitioner Dipankar Dey on the issue of collecting subscription of Durgapuja in that area which were diarised in the G.D. Entry No. 1601 dt.20.09.11 and 1641 dt. 21.09.11. It is further stated, thereafter as per law, the Police officers arrested the petitioner and sent him to the Ld. CJM Court maintaining proper procedure.

After receipt of the report from the S.P. the following witnesses were called and examined.

1. S.I. Asis Chakraborty
2. Amlan Kusum Ghosh, SDPO, Sadar Burdwan
3. S.I. Snhemoy Chakraborty
4. Dipankar Dey, the petitioner.

Thus, SI Asis Chakraborty denied the allegation of assault on the petitioner. When the injury report of the petitioner dt. 22.09.11 was shown to him, he stated that the same is not correct and the alleged statement in the injury report that he was assaulted by Snehamoy Chakraborty & Asis Chakraborty inside the Burdwan P.S. at about 01.030 am on 21.09.11 was not correct. But when he was asked whether the said injury report was a manufactured one, Chakraborty replied that he could not say whether the said statement was manufactured or not. SI Asis Chakraborty further stated that he did not go to the hospital along with the petitioner for medical examination before his production in court. He also expressed his ignorance as to whether the medical report of the petitioner dt. 21.09.11 was manufactured there.

Amlan Kusum Ghosh, SDPO, Sadar Burdwan who enquired into the matter stated in his evidence that the allegation of creating false medical report on 21.09.11 was not dealt with in his report. He admitted that he could not give his report properly.

When the medical report was shown to SI Snehamoy Chakraborty he stated that that he could not say under what circumstances the petitioner stated his name along with another to his attending physician at the time of his medical examination on 22.09.11. He could not also say whether the injuries mentioned in the said medical report dt. 22.09.11 were all false. Sri Chakraborty denied that he assaulted the petitioner and also other allegations against him made in the petition.

Dipankar Dey, the petitioner was also examined by this Commission and he stated that he was assaulted by SI Snehamoy Chakraborty & Asis Chakraborty with lathi while he was being taken to the PS and thereafter at the P.S. He further stated that he was not allowed to take his inhaler for which he suffered badly during the night when he was in the Police lock up. It is again in his evidence

“Before I was produced before the court I was taken to the Medical College and Hospital, Burdwan but the doctor did not examine me at all and issued certificate to the Police authority.”

It is also in his evidence that he was granted bail on 21.09.11. He went to Burdwan Medical College and Hospital at 9.40 p.m. He was examined there where he cited the names of his assailants as S.I. Snehamoy Chakraborty and

S.I. Asis Chakraborty. He had corroborated his averments in the petition when he stated that on 23.09.11 he again went to the Surgical ward of Medical College and Hospital, Burdwan as advised by his attending physician in the night of 22.09.11

After analysis of the statements of the witnesses and the documents like injury reports dt. 22.09.11 and 23.09.11, it appears that on 22.09.11 the petitioner was accompanied by his wife Supriti Dutta to Burdwan Medical College and Hospital at 09.45 p.m. where the patients stated to his attending physicians that he was assaulted by the Police personnel namely Snehamoy Chakraborty & Asis Chakraborty inside Burdwan P.S. at about 01.30 a.m. on 21.09.11. At the time of examination Dr. Indranil Banerjee found as many as four bruises over different parts on the body of the petitioner. It appears from the medical report of the petitioner dt.23.09.11 that he was attended by a Surgeon in the same Medical Hospital and one capsule and other medicines were prescribed for the petitioner. The medical certificate stands to support the allegations of the petitioner that he was injured although injuries are described as simple in nature.

From the trend of the evidence our minds lean to place reliance on the case of the petitioner that he was assaulted by the two Police officials namely SI Asis Chakraborty & SI Snehamoy Chakraborty particularly keeping proverbial axiom in view that the victim does not generally involve innocent persons as his assailants. Moreover, none of the Police officials stated

anything about the motive of the petitioner as to why he will falsely implicate them.

In view of all above, it has been established that human rights of the petitioner Dipankar Dutta was blatantly violated by those two Police Officers namely SI Asis Chakraborty & SI Snehamoy Chakraborty when the petitioner was assaulted by them while being taken to the PS and again at the P.S.

It is, therefore, recommended that :

- i) departmental proceedings be initiated against S.I. Snehamoy Chakraborty.
- ii) departmental proceedings be initiated against S.I. Asis Chakraborty.
- iii) a compensation of Rs.50,000/- (Fifty thousand) be paid to Sri Dipankar Dey, the petitioner.

The Govt. should inform the Commission within a period of two months from the date of receipt of the recommendations as to the action taken or proposed to be taken in this regard.

Sd/-
(S.N. Roy)
Member

Sd/-
(Justice N.C. Sil)
Member

Sd/-
(Justice Asok Kumar Ganguly)
Chairperson

Date: Kolkata, the 8th May, 2013

Comments of the State Government will be uploaded as and when received.

Sd/- (08/05/2013)
(J. Sundara Sekhar)
Secretary & CEO