

Present: –

Justice Girish Chandra Gupta,

Chairperson.

File number 1204/25/5/2019.

This is a unique case of police excesses; abuse of statutory power; an act of subverting the due process of law and blatant violation of human rights by well concerted activities of the police for the purpose of recovering the dues of one Shivram Gupta.

On 28 May 2019 Achinta Das, Rajendra Kumar Joshi and Rajkumar were arrested in the evening by the sub-inspector Suman Biswas, in exercise of power under section 68-66 KP act, on the alleged ground that they were creating breach of peace by making ruckus in a drunken state and thus committing disorderly conduct near Haldiram on Ratan Sarkar Garden Street and Kalakar Street crossing of Kolkata 07. Achinta Das, a resident of nearby Masjid Bari Street, was immediately released on bail and “other two were in safe custody in the denial of bail” as per the report¹ of the ACP Abhijit Ghosh. According to the complaint² of the petitioner Rajendra Kumar Joshi he “was called by two police officials and taken to Posta police station, wherein I was detained by Suman Biswas. Suman Biswas tried to tag me in a case where some money was stolen. I was beaten mercilessly by Suman Biswas on my back side and buttocks as well as on the legs. I was unable to stand properly and walk. I told Suman Biswas whatever I knew but despite that I was beaten mercilessly by Suman Biswas inside the police station. I was unable to stand and walk properly. The next day i.e. 29/05/2019, I was released from the police station. I directly went to medical College and Hospital, Kolkata and got myself treated. I have the injury report³ with me. Also note that my family members were not informed that I was taken to Posta police station and when they did not find me, my family members lodged⁴ a GDE number 1799 dated 29.05.2019 at Lake town police station.” The injury report referred to by the petitioner was recorded on 29 May 2019 at 8:10 PM.

¹ P.45

² P.47

³ P.49

⁴ P.48

The complaint that the sub-inspector Suman Biswas tried to tag the petitioner in a case of theft is proved by the report⁵ dated 15 January 2020 submitted by the ACP stating that “a communication was reportedly made by the staffs of Posta PS engaged in special task (i.e. specials) that the rest two arrestees are supposed to be involved in a theft incident on 27. 05. 19 at 22 Kalakar Street, Kol-07, PS Posta”

The complaint of the petitioner is further proved by the admission⁶ of the sub-inspector Suman Biswas stating that “subsequent to arrest I got information that the petitioner and Raj Kamal who is actually Rajkumar might be involved in a case of theft which is why the petitioner and the said Rajkumar were not granted bail though the third person namely Achinta Das arrested with them was enlarged on bail”

Admittedly there was no complaint against the petitioner about any theft or any other offence. The power vested in the police under section 68-66 KP Act to arrest a person without any warrant was pressed into service for the purpose of recovering the alleged dues of Shivram Gupta; the petitioner was beaten black and blue in the custody and detained until the said Shivram Gupta wrote⁷ to the officer in charge, Posta PS stating that the petitioner and the said Rajkumar had on 28 May 2019 refunded ₹ 3 lakhs each and promised to refund the balance on 1 June 2019. He requested the officer in charge not to take any step against the petitioner and the said Rajkumar. This letter was received according to the GD entry⁸ number 2358 at 14:00 hours of 29 May 2019 whereas the case of the petitioner is that “the next day i.e. 29/05/2019, I was released from the police station. I directly went to medical College and Hospital, Kolkata and got myself treated”. The medical certificate referred to above was recorded at 8:05 PM on 29 May 2019.

The said Suman Biswas SI stated during his examination “it is not a fact that in order to recover the alleged dues of Shivram Gupta the petitioner and the said Rajkumar were arrested on 28 May 2019 and released in the afternoon of 29th May 2019 after Shivram Gupta recovered his dues and wrote a letter to that effect to the police.” It is also his case that “no step was taken by the police on the basis of any complaint of Shivram Gupta.” Yet he maintains “I did not ask

⁵ P.45

⁶ P.11

⁷ P.40

⁸ P.37

him the reason of writing the letter requesting the police not to take any step when there was no complaint made by the said Mr Gupta and no step in fact was taken by the police on that basis”.

He has betrayed his guilt of having arrested and assaulted the petitioner to recover the dues of Shivram Gupta by recording the GD number 2358 “indicating that the parties had amicably settled their dispute.” And by further recording that “they all left PS having no complaint no injury.” When asked about the reason of recording “no complaint no injury” he stated that it “was written following the usual practice”. When he was shown the GD⁹ number 2324 which did not contain any similar writing he stated “when granting bail this type of recording are not made”.

The petitioner was arrested on 28 May 2019 in the evening and released in the afternoon of 29 May 2019. In order to avoid production before the court on 29 May 2019 the purported GD entry number 2324 was recorded alleging that Raj Kamal Mali and Brojendra Soni were released on PS bail after furnishing proper bail bond under order of OC Sec D2. Case of the police as would appear from the report dated 15 January 2020 is that the arrestees “have quite suppressed their actual identities also. Later on the rest two arrested persons admitted the fact and also disclosed their actual identities as Rajkumar Mall and Rajendra Joshi.” Even assuming the allegation that the petitioner and his co-arrestee had initially suppressed their true identity, which I shall presently demonstrate is a myth, the police had known the true identity of the petitioner and his co-arrestee which is why according to the report dated 15 January 2020 “both of them detained in Posta PS lock-up for verification and father initiation of legal action against them” which is also confirmed by Suman Biswas as indicated above. In that case how could the bail bonds be obtained for the release of Rajkumar Mali and Brojendra Soni who did not to their knowledge exist? Will the surety agree to bind himself for production of a non-existent person? Only plausible answer is that no bail bonds were furnished nor any bail granted which is why “the name of the surety who furnished the bond has not been disclosed;” “the bail bond has not been disclosed either” as admitted by sub- Inspector Suman Biswas. He added that “there is nothing to show that I asked the petitioner to produce his identity card”

⁹ P.36

The timing appearing from the medical certificate lends credence to the case of the petitioner that he after his release from the police station “directly went to medical College and Hospital, Kolkata and got myself treated”. The injury found on his person by the medical officer was not even cross checked either by the sub- inspector Suman Biswas or the ACP, Abhijit Ghosh who was entrusted with the enquiry by the DC Central.

The sub-inspector Suman Biswas stated “it is true that a copy of the medical certificate dated 29th May, 2019 was received at the police station from the hospital which has also been recorded in the GD entry. The medical certificate is about the injury suffered by the petitioner while he was in custody. I came to know about the medical certificate having been received by the police station after two days. I did not make any enquiry about the same because I was not authorised to do so.” Having said this he tried to dilute the medical certificate by alleging that the same was “in connection with some other incident which took place at a different place of occurrence. The place of occurrence recorded in GD entry number 2309 and the place of occurrence recorded in the medical certificate are not same.” The statement¹⁰ of the ACP who conducted the enquiry and furnished the report dated 15 January 2020 is that “I did not examine the petitioner in respect of the alleged assault by the sub-inspector Suman Biswas. I did not examine the concerned doctor either who issued the medical certificate. I did not attach any importance to the allegation of assault because the place of occurrence appearing from the complaint and the place of occurrence appearing from the medical certificate are different.” The reason assigned by him for attaching no importance to the medical certificate is obviously an afterthought because the same was not recorded in his report which he admitted “It is true that I did not record my aforesaid reasons in the report dated 15 January 2020.” The claim that he attached no importance to the medical certificate is a pointer to show that he gave a clean chit to the sub-inspector Suman Biswas stating “the physical assault to the accused Rajendra Joshi by SI Suman Biswas of Posta PS on 28. 05. 19 could not be substantiated comparing the data/records of Posta PS” is not based on any enquiry. The blatant disregard of the order passed by the commission for an enquiry and the blatant disregard of the order passed by the Deputy Commissioner of police, Central division, entrusting the enquiry with him is also self-evident.

¹⁰ P.8

The sub-inspector Suman Biswas admitted during his examination that “no breath analysis was conducted. I thought that they were in a drunken condition.” This shows that the allegation that the arrestees were in a drunken condition is without any basis whatsoever.

He admitted that “at the time of arrest or even subsequently I did not record name of any witness in whose presence the petitioner was found creating ruckus in a drunken state. Except for myself there is no witness about the incident in which the petitioner was arrested.” This is a pointer to show that the alleged ground of arrest recorded in the GD entry number 2309 dated 28 May 2019 is not backed by any proof whatsoever.

After the petitioner was arrested the constitutional mandate and the statutory obligation contained in section 50 and 50A of the code of criminal procedure containing a direction for furnishing information to the family members about the arrest and informing “ the arrested person that he is entitled to be released on bail and that he may arrange for sureties on his behalf” were both breached by the concerned sub-inspector Suman Biswas and the ACP Abhijit Ghosh concealed the same in his said report.

The aforesaid provisions were violated because the petitioner was arrested not for the alleged disorderly conduct but for the purpose of recovering the dues of Shivram Gupta. That explains the reason why the petitioner who ought to have been released on the basis of a PR bond was kept in the lock-up and beaten black and blue. In order to camouflage the nature of custody it has been stated in the GD entry number 2309 that the arrestees were “detained in safe custody”. The same expression has been repeated in the report dated 15 January 2020 without any attempt to explain the same. During his examination Suman Biswas clarified that “by the expression safe custody what is meant is the lock-up of the police station”.

The ACP in his attempt to justify the illegal activities of Suman Biswas and to black brush the arrestees devoted two paragraphs of his report “As per the..... on 30. 09. 2019” to show that they were subsequently incarcerated on the basis of the complaint of Sivaram Gupta by which he possibly meant that the police was justified in arresting the petitioner for recovery of the dues of Sivaram Gupta losing sight of the fact altogether that this was no way connected with the subject matter of enquiry and the subsequent incarceration was a sequence of the illegal activities resorted to by the police indicated above.



In the facts and circumstances the commission is of the opinion that the fundamental rights including the human rights of the petitioner Rajendra Kumar Joshi were seriously violated by the aforesaid sub-inspector Suman Biswas and the same was encouraged by the ACP Abhijit Ghosh by his report dated 15 January 2020.

The following recommendations are in the circumstances made by this bench of the commission:-

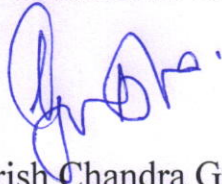
- a) disciplinary proceedings be conducted against both sub- inspector Suman Biswas and ACP Abhijit Ghosh;
- b) a sum of ₹ 1 lakh be paid to the victim Rajendra Kumar Joshi by way of compensation for violation of his human rights including the right to life and liberty;
- c) the state of West Bengal shall be at liberty to recover the amount from the sub- inspector Suman Biswas in accordance with law;
- d) the KP act is a piece of colonial legislation. The provisions thereof are in pith and substance in conflict with the provisions of section 41 of the code of criminal procedure 1973 as amended and is also in conflict with a series of judgements of the Supreme Court to wit the cases of DK Basu , Arnesh Kumar and other judgements. The state legislature is in the circumstances requested to consider suitable amendment or repeal of the said colonial law and and other similar laws and
- e) a report be furnished by 31 March 2022 as regards the steps taken to implement the recommendation.

The additional secretary is directed to communicate the recommendation to the Chief Secretary to the state of West Bengal duly authenticated as required under the provisions of Protection of Human Rights Act.

The learned registrar is directed to upload a copy of the recommendation in the website of the commission and to communicate a copy to the petitioner.



Photo copies of all the connected papers comprising of page number 8 to page number 49 be annexed to the recommendation.



Justice Girish Chandra Gupta,

Chairperson.

Dated this 6th day of December 2021.

Present :-

Justice Girish Chandra Gupta,

Chairperson.

File No. -1204/25/5/2019.

Date :- 30.11.2021.

Statement of Shri Abhijit Ghosh, Assistant Commissioner of Police, Kolkata.

It is true that I did not record in my report that the general diary entry did not contain any information as regards witnesses in whose presence the petitioner was found creating ruckus necessitating his arrest, nor is there any mention about any breath analysis report. I know from my experience that in such cases arrest is only made when ruckus is created in front of police and in spite of warning to refrain. It is true that this is the law.

The GD entry did not mention anybody to the family members were informed. It is true that the general diary No.2309 does not record any compliance of sub section 2 of section 50 except that the GD No. 2309 contains a statement "condition of bail was duly communicated." Similarly section 50A of the Code of Criminal Procedure was not complied with except the said GDE. These facts were not recorded in my report dated 15th January, 2020.

I did not enquire of the concerned sub-inspector as to why was the alleged settlement of dispute appearing from the letter dated 29th May, 2019 recorded in the general diary. I do not know whether Shivram Gupta had in fact lodged any complaint with the Posta PS.

I did not examine the petitioner in respect of the alleged assault by the sub-inspector Suman Biswas. I did not examine the concerned doctor either who issued the medical certificate. I did not attach any importance to the allegation of assault because the place of occurrence appearing from the complaint and the place of occurrence appearing from the medical certificate are different. It is true that I did not record my aforesaid reasons in the report dated 15th January, 2020. The medical certificate refers to Kalakar Street in front of Tewari Brothers whereas the GD entry No.2309 goes to show that the petitioner was arrested from Kalakar Street and Ratan Sarkar Garden Street

Abhijit Ghosh
30.11.2021

crossing. I know that the place of occurrence, as mentioned in the medical certificate, is far away from the place of occurrence (Posta PS) as mentioned in the petition of the petitioner.

It is not a fact that in gross abuse of power the petitioner was arrested to recover the alleged dues of Shivram Gupta and the petitioner was released after the money was recovered and the dispute settled between the parties.

My statement has correctly been recorded.

Abhinav Choudhary
ACCUSED
30.11.2021

The statement is recorded in my presence
[Signature]
Registrar
W.B. Human Rights Commission
30.11.2021

Present :-

Justice Girish Chandra Gupta,

Chairperson.

File No. -1204/25/5/2019.

Date :- 30.11.2021.

Statement of Shri Suman Biswas, Sub-inspector.

I am now posted at Taltala Police Station, Central Division, Kolkata. I know the facts and circumstances of this case. I am aware about a report filed by Sri Abhijit Ghosh, Assistant Commissioner of Police. I do not have a copy of that report.

The report is shown to him.

The contents of the report are true and correct.

The petitioner Rajendra Kumar Joshi was arrested because of his disorderly conduct. I recorded the fact in a general diary entry. Shown the GD entry No. 2309 dated 28th May, 2019 recorded at 21:20 hrs. Three persons in a drunken state were quarrelling among themselves. Their names have been written in the diary.

No breath analysis was conducted. I thought they were in a drunken condition.

No information to the family members about the arrest was given. I have checked up the GD Book which does not contain any recording about such information.

There is nothing to show that I asked the petitioner to produce his identity card. His mobile phone was taken by me in my custody. There is nothing to show that with that mobile phone I informed the family members. Shown the provisions of section 50A of the Code of Criminal Procedure.

I have gone through the section. I did not comply with this section.

At the time of arrest or even subsequently I did not record name of any witness in whose presence the petitioner was found creating ruckus in a

Suman Biswas
SI of Kolkata Police
30/11/2021

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drunken state. Except for myself there is no other witness about the incident in which the petitioner was arrested. I was accompanied by members of force but their names have not been disclosed in the GD. By the expression "Safe Custody" what is meant is the lockup of the police station.

Subsequent to arrest I got information that the petitioner and Raj Kamal who is actually Raj Kumar might be involved in a case of theft which is why the petitioner and the said Raj Kumar were not granted bail though the third person namely Achinta Das arrested with them was enlarged on bail. It is not a fact that the name of the petitioner and Raj Kumar were deliberately misdescribed by me in the GD entry. I did not make any GD entry regarding the information received by me about the probability of the petitioner and Raj Kumar being involved in a case of theft.

It is true that a copy of the medical certificate dated 29th May, 2019 was received at the police station from the hospital which has also been recorded in the GD entry. The medical certificate is about the injury suffered by the petitioner while he was in custody. I came to know about the medical certificate having been received by the police station after two days. I did not make any inquiry about the same because I was not authorised to do so. I did not assault the petitioner while he was in custody. The medical certificate is in connection with some other incident which took place at a different place of occurrence. The place of occurrence recorded in the GD entry No. 2309 and the place of occurrence recorded in the medical certificate are not same.

I am not sure but as far as I remember the petitioner was released on the basis of a bail bond. The bond was furnished by a surety. The name of the surety who furnished the bond has not been disclosed. It is not a fact that to avoid production of the petitioner before the Ld. Court GD No.2324 was recorded though in fact no bail was granted to him. It is not a fact that to cover the continuation of the petitioner in custody GD No. 2358 dated 29th May, 2019 was manufactured.

By the letter dated 29th May, 2019 Shivram Gupta requested the Officer in Charge, Posta police station not to take any legal proceeding against Rajendra Joshi and Raj Kumar since they had refunded the money partly and promised to pay the balance.

Suman Biswas
SI of Kolkata Police
30/11/2021

-12-

No step was taken by the police on the basis of any complain of Shivram Gupta.

This letter of Mr. Shivram Gupta was received by me. I did not ask him the reason of writing the letter requesting the police not to take any step when there was no complaint made by the said Mr. Gupta and no step in fact was taken by the police on that basis. I recorded the GD entry No. 2358 dated 29th May, 2019 indicating that the parties had amicably settled their dispute. No information about any dispute which was settled by the parties was ever given to the police.

The last line in GD entry No. 2358 reading "they all left PS having no complaint no injury" was written following the usual practice. The signatures of the parties were also obtained according to the usual practice. I am not aware of any law authorising such practice. It is not a fact that this was recorded to cover the injury inflicted upon the petitioner.

Shown GD No.2324 which does not contain any such recording.

When granting bail this type of recording are not made. The GD No.2324 records inter alia that "released on PS bail after furnishing proper bail bond under order of OC secD2". There is no recording about presence or absence of injury. The bail bond has not been disclosed either. It is not a fact that bail was not in fact given or that this recording was made to avoid production of the petitioner before the Ld. Court.

It is not a fact that in order to recover the alleged dues of Shivram Gupta the petitioner and the said Raj Kumar were arrested on 28th May, 2019 and released in the afternoon of 29th May, 2019 after Shivram Gupta recovered his dues and wrote a letter to that effect to the police. It is not a fact that the petitioner after being released from the PS went to the hospital evidenced by the medical certificate.

My statement has correctly been recorded.

Suman Biswas
SI of Kolkata Police
30/11/2021

The statement is recorded in presence of me. *[Signature]*
Registrar
W.B. Human Rights Commission
30.11.2021

M/No. 948 - 13 - /CD+Enclo.dt. 23.09.21

7245/CR/2021

Government of West Bengal,
Office of the Deputy Commissioner of Police,
Central Division, Kolkata,
138, S N Banerjee Road,
Kolkata-700013.

1204/25/5/2017

Scanned

Memo No. 220/CD(PA)+Enclo

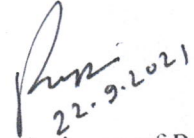
Dated. 22.9.2021

To
The Registrar,
West Bengal Human Rights Commission,
Purta Bhavan (2nd Floor) Block -DF, Sector-1
Salt Lake City Kolkata,
Kolkata-700091

Ref. No. 75/R/WBHRC/2021 dated 17.09.2021

Sub: Non-compliance of the order dated 07.06.2021 passed by the Hon'ble West Bengal Human Rights Commission.

In compliance with your above letter it is informed that the requisites documents as sought from your end had already been sent to your good office on 30.06.2021 vide this office Memo No. 104/CD(PA)+Enclo. dated 29.06.2021 and the documents were duly received by your good office. The Xerox copy of the receipt which speaks of itself along with report of Shri Debashis Banerjee, Assistant Commissioner of Police (I), Central Division, Kolkata is attached herewith for favour of your kind perusal and confirmation.


22.9.2021
Deputy Commissioner of Police,
Central Division, Kolkata.
Deputy Commissioner of Police,
Central Division, Kolkata

Enclosed:
Xerox copy of the report, as above.



-14-

Office of the Deputy Secretary
Name - S. S. Panigrahi
21 SEP 2021

DC CD

Re: The attached letter issued by The Registrar , West Bengal Human Rights Commission Purto Bhawan (2nd floor) , Block – DF , Sector- 1 , Salt lake, Kol-700091 vide reference No. 75/R/WBHRC/2021 dated 17.09.2021 and **CD (COM) No. 62/21 dated 20.09.21**

Sir,

With reference to the above I like to state that the Registrar, West Bengal Human Rights Commission has asked that the communication containing the order dated 07.06.21 passed by the Hon'ble Chairperson, WBHRC which was duly received by you on 10.06.21 at 11:38 AM directing to produce the documents indicated therein by 30.06.21 but till now the order has not been complied with.

In this regard I like to state that the documents sougged by West Bengal Human Rights Commission has duly been sent to the office of The Deputy Secretary, West Bengal Human Rights Commission, Purto Bhawan (2nd floor) , Block –DF , Sector 1 , Salt lake, Kol-700091 vide this office Memo No. 104 /CD (PA)+ Encl. Dated 29.06.2021 and the documents were duly received by the office of the Deputy Secretary West Bengal Human Rights Commission on 30.06.2021. The Xerox copy of the receipt which speaks of itself is enclosed with this report for your kind perusal and onward transmission.

Enclosed : Xerox copy of the
Receipt issued by WBHRC

Submitted
Debashis Banerjee
21/9/21
(Debashis Banerjee)

AC(1) CD

Assistant Commissioner of Police (I)
Central Division, Kolkata

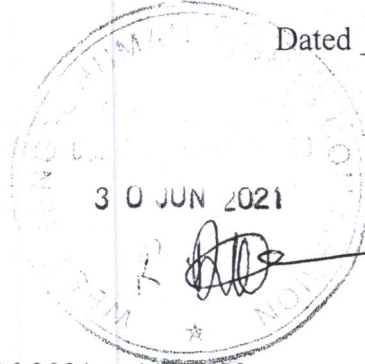


Government of West Bengal,
Office of the Deputy Commissioner of Police,
Central Division, Kolkata,
138, S N Banerjee Road,
Kolkata-700013.

Memo No. 104/CD(PA)+Enclo.

Dated 29.06.2021

To
The Deputy Secretary,
West Bengal Human Rights Commission
Purta Bhavan (2nd Floor) Block -DF, Sector-1
Salt Lake,
Kolkata-700091.



Ref: Email Dated 10.06.2021 at 11:36:58 am.

Sub: Notice in connection the Case No. 1204/25/5/2019 dated 08.06.2021
(Matter of Rajendra Kumar Joshi)

With reference to Memo quoted above, I am enclosing herewith the following requisite documents as sought from your end with a request to return the same to the undersigned after necessary action from your good Office.

- 1) General Diary Book Vol No. 47/19 opened on 25.05.2019 of Posta PS. marked serial no. Z 315601 to Z 315700, containing GD entry No. 2299 dated 28.05.2019 and GD Entry No. 2309 dated 28.05.2019.
- 2) General Diary Book Vol No. 48/19 opened on 29.05.2019 of Posta PS marked serial no. Z 308501 to Z 308600, containing GD Entry No. 2324 dated 29.05.2019, GD Entry No. 2358 dated 29.05.2019 and GD Entry No. 2442 dated 30.05.2019.
- 3) Original copy of injury certificate of Medical College and Hospital Kolkata, SI No. 6762 in the name of Rajendra Kumar Joshi (36) dated 29.05.2019.
- 4) Original copy of letter complaint of Shiv Ram Gupta dated 29.05.2019 addressed to O/C Posta PS.

[Handwritten Signature]
29/6/21

Deputy Commissioner of Police,
Central Division, Kolkata,
Deputy Commissioner of Police,
Central Division, Kolkata

Enclosed:

- 1) Original copy of the report.
- 2) Original GD Entry Books Vol No. 47/19 opened on 25.05.2019 & Vol No. 48/19 opened on 29.05.2019.
- 3) Original copy of Medical Certificate of Rajendra Kumar Joshi, Certificate No. 6762, Station-MCH, Date-29.05.2019 Time-08:10 PM .
- 4) Original copy of letter of complaint of Shiv Ram Gupta dt. 29.05.2019 (Ph-9831837533)

[Handwritten Signature]

Command Certified to be carried by Police Officers deputed on duty
(B.P. Form No. 10--Vide Regulations 163 and 909)

E 451821

District and Station	Detail of force with name	Where proceeding to	Description of duty and number of Escort Requisition	Date and hour of		Remarks Date and hour of return to be noted etc.
				Departure	Arrival	
<p>160 CD 20/06/21</p>	<p>AT-16979 Chandan Saha</p>	<p>G.O. report to the</p>	<p>Posto Bhanwar, Galt Camp 2nd Floor, Block F- Sector-1 to for Comm urgent official work</p>	<p>20/06/21</p>	<p>20/06/21</p>	



Note : If any delay occurs it will at once be detected from the entries in the last four columns, the delinquent brought to task and his explanation taken by the enquiring officer and recorded on the back of the certificate, which should then be sent for orders to the Superintendent.

K.P.D. Press-25-11-2019 (210)

C.D. No-757

Chandan Saha G.D. No-765

CD (COM) No. 62/21 Dt. 20/9/21.



WEST BENGAL HUMAN RIGHTS COMMISSION

PURTA BHAVAN (2ND FLOOR)
BLOCK-DF, SECTOR-I, SALT LAKE,
KOLKATA-700 091

PHONE: 2337-7707, FAX: 2337-9633

E-mail: hrcwb2013@gmail.com

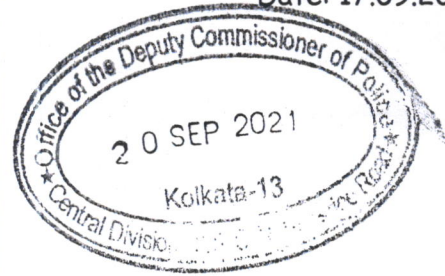
Urgent

Ref. No. 75/R/WBHRC/2021

Date: 17.09.2021

From : Registrar
West Bengal Human Rights Commission

To : The Deputy Commissioner of Police
Central Division, Kolkata
138, S.N. Banerjee Road,
Kolkata-700 013.



Sub : Non-compliance of the order dated 07.06.2021 passed by the Hon'ble West Bengal Human Rights Commission

Sir,

It appears that the communication containing the order dated 07.06.2021 passed by the Hon'ble Chairperson, WBHRC was duly received by you on 10.06.2021 at 11.38 a.m. whereby you were directed to produce the documents indicated therein by 30.06.2021 but till now, you have not complied with the order.

The copy of the said communication (along with its enclosure) and the confirmation report for service through mail are attached herewith for reminding you the fact as stated above.

Considering the situation as stated above you are given the last chance to comply with the said order positively by 25.10.2021 and the matter will be listed on 28.10.2021. I make it clear that appropriate action will be taken in this matter if no report is available on or before 25.10.2021.

Yours faithfully,

[Signature]
17.09.2021
Registrar

Attachments :

- (1) Copy of the communication containing the order dated 07.06.2021 along with its enclosure.
- (2) copy of the confirmation report.

AC (I) CD
Pl. Submit report by 21.9.2021
[Signature]
20.9.2021
Deputy Commissioner of Police
Central Division, Kolkata

72457(R)/2021

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WEST BENGAL HUMAN RIGHTS COMMISSION

PURTA BHAVAN, 2ND FLOOR, BLOCK-DF, SECTOR - I, SALT LAKE CITY KOLKATA, Pin Code : 700091

Tel : 033 2337-2655 Fax : 033 2337-9633

Email ID : hrcwb2013@gmail.com , Website : http://www.wbhrc.nic.in

Case No. 1204/25/5/2019

08 June 2021.

NOTICE

To

THE DEPUTY COMMISSIONER OF POLICE
CENTRAL DIVISION, KOLKATA

WHEREAS the complaint/intimation dated 01/06/2019 received from RAJENDRA KUMAR JOSHI in respect of RAJENDRA KUMAR JOSHI was placed before the Bench of Justice G.C. Gupta on 07/06/2021 .

AND WHEREAS upon perusing the complaint the Commission has passed the following order.

Deputy Commissioner of police, central division, Kolkata under the cover of his letter dated 2 February 2021 has communicated copies of seven several documents along with a list prepared by the ACP central division. Kolkata.

Upon perusal of the documents, the commission prima facie is of the opinion that the guidelines laid down by the honourable Supreme Court to be followed before and after arresting a person were not adhered to in this case; the arrest was illegal and made in colourable exercise of power; the petitioner was tortured in custody; the human rights and fundamental rights of the petitioner were grossly violated; all the documents referred to in the report dated 15 January 2020 prepared by Sri Abhijit Ghosh, ACP have not been disclosed and the said ACP in his aforesaid report shielded the delinquent sub inspector Suman Biswas and thus encouraged violation of fundamental rights and human rights of the petitioner. The commission proposes to examine both of them but before doing so the commission shall like to go through the original documents copies whereof are claimed to have been furnished under the cover of the list dated 19 January 2021 prepared by the ACP Sri S.Chattopadhyay. The Deputy Commissioner of police, central division, Kolkata is directed to have the documents produced before the commission by 30 June 2021.

NOW THEREFORE TAKE NOTICE that you are required to submit the requisite information / Report within 2 weeks from the date of receipt of this notice.

-19-

TAKE FURTHER NOTICE that in default the Bench / Commission may proceed to take such action as it deems proper.

Given under my hand and seal of the Commission, this the day of 08 June 2021.

(BY ORDER)

Registrar/Dy. Registrar/Asst. Secretary

Encl: Copy of the complaint.

Note --> 1. The information / report shall be furnished only by the authority which is called upon to do so.

2. Please quote the Case No. referred above in all future correspondence / reports.

PRATUL KUMAR BOSE
WBCS (Exe)

Deputy Secretary
West Bengal Human Rights Commission

CC to:

Case No. 1204/25/5/2019
RAJENDRA KUMAR JOSHI
434 DAKSHINDARI ROAD P.O- SREEBHUMI PS- LAKE
TOWN
NORTH 24-PARGANA, WEST BENGAL.

Registrar/Dy. Registrar/Asst. Secretary

-20-



LAKE TOWN P.S.

GDE No. Case No. 1799

To
The Officer-in-Charge,
Lake Town Police Station
Under Midhannagar Police Commission
Lake Town, Kolkata-700039

Date 29/05/19

Signature

Subject: Kidnapping from the residence of Dakshindari

I, Sarala Devi Joshi, w/o, Om Prakash Joshi, residing at 436, Dakshindari Road, PO, Sreebhumi, PS, Lake Town, Kolkata-700048 hereby inform you that -

On 28.05.2019 at about 10:30 pm two unknown persons came in front of my above residence and call my elder son Rajendra Kumar Joshi, and my son stand outside my residence with them for their calling, and after 15 to 20 minutes later they go ahead. We have searching various places also his nearest friends, but in vain.

We have caused necessary enquiries of his friends and various places other possible places, but he could not be traced out until now from that time.

I would request you to kindly look into the matter and take immediate action and lodged FIR in this regard.

Description of my Son :

- Name : Rajendra Kumar Joshi
- Age : 32+
- Languages : Hindi
- Complexion : Fair
- Height : 5'-5" approx
- Build : Healthy
- Wearing clothes : Light red Kurta & Trouser.
- Mobile Number of Rajendra Kumar (Elder son) : 9748724309.
But the number is Switched off from that time.

Your kind cooperation is highly appreciate.

Thanking you,

Date : 29.05.2019

सम्राज्ञी जोशी
(Sarala Devi Joshi)
w/o. Om Prakash Joshi
436, Dakshindari Road, Kolkata-700048
M. 8981770841 / 9163376735.



INJURY CERTIFICATE

21

To
The Officer-in-Charge
Barabazar Police Station

Station Meh
Date 29/05/19
Time 8:10 A.M.

Ref.: Police Case No. / Dairy Entry No. _____ Date _____
Name of the Injured RAJENDRA KUMAR JOSHI Sex M Age 36 yrs.
Address 436 Dakshindwari Road, ps - Lake Tower
Identification Marks: (i) _____ (ii) dent-700048
Identified by Mukesh Kumar Joshi
Consent for examination taken from DO

If the injured complains of any pain, or if there is tenderness, difficulty in respiration, swallowing, difficulty in speech, urination or defecation: pain and tenderness at
Posture and Gait: Stooping Both Head and I mild Abnormal
Any sign of intoxication: NO pain and tenderness at back and both buttocks
Dress, blood stain or any other stain, recent tear or cut marks: _____
Any blood or stain on any part of the body: NO
Place of occurrence: In front of Tower Brothers Sweet Shop at Barabazar

Serial No.	Nature of injury Whether incised wound, burn, bruise, fracture or dislocation	Size of each injury in centimeters that is length, breadth and depth	On what part of the body inflicted	Simple / Grievous or dangerous	By what weapon inflicted or how caused / pointed / fire arm etc.	Remarks - Age of injury, whether X-Rayed, Admitted / Under Observation / where referred for further examination / Report / Treatment / Any other relevant information
	<u>As stated Above</u>		<u>Both Head and back and both buttocks</u>	<u>Simple</u>	<u>By Front and Back and nail stick</u>	<u>As stated in E.R. Slip</u>

Mukesh Kumar Joshi identify that said Rajendra Kumar Joshi was asked the questions and gave the answers.

Signature of thumb impression of the injured
M. Joshi

Signature of Medical Officer: [Signature]
Full Name: DR. SURAJIT JUMDER
Designation: E.M.O.
Regd. No.: WBMC-58108

Date: 29/05/19
Office seal

WBHRC: NOTICE

1 message

Human Rights Commission West Bengal <hrcwb2013@gmail.com>
To: dccentral@kolkatapolice.gov.in

Thu, Jun 10, 2021 at 11:36 AM

Respected Sir/Madam,


Please find attached herewith.

--

Thanks & Regards,
West Bengal Human Rights Commission

2 attachments

 1204 COMPLAINT COPY.pdf
3589K

 1204-25-5-2019.pdf
689K

13/3/21

Dt. 07.06.2021

Deputy Commissioner of police, central division, Kolkata under the cover of his letter dated 2 February 2021 has communicated copies of seven several documents along with a list prepared by the ACP central division. Kolkata.

Upon perusal of the documents, the commission prima facie is of the opinion that the guidelines laid down by the honourable Supreme Court to be followed before and after arresting a person were not adhered to in this case; the arrest was illegal and made in colourable exercise of power; the petitioner was tortured in custody; the human rights and fundamental rights of the petitioner were grossly violated; all the documents referred to in the report dated 15 January 2020 prepared by Sri Abhijit Ghosh, ACP have not been disclosed and the said ACP in his aforesaid report shielded the delinquent sub inspector Suman Biswas and thus encouraged violation of fundamental rights and human rights of the petitioner. The commission proposes to examine both of them but before doing so the commission shall like to go through the original documents copies whereof are claimed to have been furnished under the cover of the list dated 19 January 2021 prepared by the ACP Sri S.Chattopadhyay. The Deputy Commissioner of police, central division, Kolkata is directed to have the documents produced before the commission by 30 June 2021.

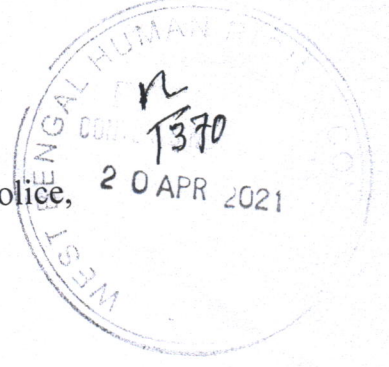


(Justice Girish Chandra Gupta)

Chairperson

24- 3108/cr/2021
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Government of West Bengal,
Office of the Deputy Commissioner of Police,
Central Division, Kolkata,
138, S N Banerjee Road,
Kolkata-700013.



Memo No. 456 / CD + Encls.

Dated 16.04.21


To
The Assistant Secretary,
West Bengal Human Rights Commission
Purta Bhavan (2nd Floor) Block -DF, Sector-1
Salt Lake,
Kolkata-700091

S.O.
Pl. Put up with relevant file
Asst. Secy

Ref: Case No. 1204/25/5/19 dated 07.02.2021.
Sub: Notice of even number dated 12.12.2020.

With reference to Memo quoted above, this is to bring to your kind notice that the report regarding the above referred case has already been sent to your good office on 02.02.2021 vide this office Memo No. 99/CD+Enclosed. dated 02.02.2021.

However, further I am sending the same for your ready reference.
This is for your kind information


Deputy Commissioner of Police,
Central Division, Kolkata.
Deputy Commissioner of Police
Central Division, Kolkata Police

Enclosed:

Xerox copy of the report, as above.

-25-

Government of West Bengal,
Office of the Deputy Commissioner of Police,
Central Division, Kolkata,
138, S N Banerjee Road,
Kolkata-700013.

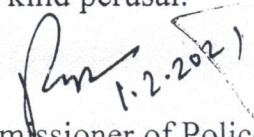
Memo No. 99/CD+Encls.

Dated 02.02.21

To
The Assistant Secretary,
West Bengal Human Rights Commission
Purta Bhavan (2nd Floor) Block -DF, Sector-1
Salt Lake,
Kolkata-700091

Ref: Case No. 1204/25/5/2019.
Sub: Matter of Rajendra Kumar Joshi.

I am sending here with the original report submitted by Shri Santanu Chattopadhyay, Assistant Commissioner of Police (III), Central Division, Kolkata along with relevant documents as sought from your end for your kind perusal.


Deputy Commissioner of Police,
Central Division, Kolkata.
Deputy Commissioner of Police,
Central Division, Kolkata

Enclosed:

Original report along with relevant documents.

28

DC CD

Ref:- Notice of W.B.H.R.C. Case No. 1204 / 25/ 5 / 2019 dated 18.12.20 arising out of the complaint of one Rajendra Kr. Joshi.

Sir,

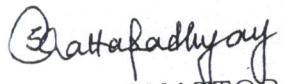
In reference to the above, this is to state that the W.B.H.R.C sought for the legible copies of all the documents referred in the report dated 15th January 2020 and any other record upon which we may rely upon.

In response to the letter referred above the legible copies of the following documents are annexed herewith:-

- I. Extract of Posta PS G.D.Entry No. -2299 dt. 28.05.19.
- II. Extract of Posta PS G.D.Entry No. -2309 dt. 28.09.19
- III. Extract of Posta PS G.D.Entry No. -2324 dt. 29.09.19
- IV. Extract of Posta PS G.D.Entry No. -2358 dt. 29.05.19
- V. Extract of Posta PS G.D.Entry No. -2442 dt. 30.09.19
- VI. Colour xerox copy of injury certificate of MCH in the name of Rajendra Kr. Joshi dated 29.05.2019.
- VII. Legible xerox copy of letter of complaint of Shiv Ram Gupta dt 29.05.19.

This is for favour of your kind information and perusal for onward transmission, if approved.

Submitted,


(SANTANU CHATTOPADHYAY)
ASST. COMMISSIONER OF POLICE (III)
CENTRAL DIVISION
Asst. Commissioner of Police (III)
Central Division, Kolkata 19/1/20

-27-

West Bengal Form No. 4310

POSTA P.S.

G. D. Extract from the Movement's Daily Register

Date	G. D. No. and Time	Subject	Remarks
28/05/19	2299 19.50h.	Leaving P.S along with force on receiving an information of chaos near Haldisani at the xing of Ratan Sarkar Garden Street and Kalakar Street, Kot-07 to verify the same. sd/- Suman Biswas SI/D2	

No.

Forwarded to the
for information

.....MOVEMENT OFFICER

Certified to be True

West Bengal Form No. 4310

POSTA P.S.
G. D. Extract from the Movement's Daily Register

Date	G. D. No. and Time	Subject	Remarks
28/5/2019	2309 21.20 h.	Ref. G.D.E. NO. 2299 dt- 28.5.2019 ret'd. to P.S. along with force after executing an information of chaos near Haldiram on Ratan Sarkar Garden Street & Kalakar Street ring, Kot-07.	
		<p>On reaching there it was found that the following persons were creating nuisance by means of shouting and fighting among each other taking some of their old business issue. Asked them repeatedly not to create nuisance such day and to breach of Peace of that locality by they are so drunken that to pay any heed in that request. finding no other alternatives to restore Peace they were arrested on 28.5.2019 at about 20.50 hrs. U/s- 68 IX GG R.P. Act observing all legal formalities of arrest from near Haldiram on Kalakar Street and Ratan Sarkar Garden Street, brought them to P.S. and detained in safe custody. condition of bail was duly communicated.</p> <p>D. Achinla Das (25) S/o- Subhakaran Das. of 10, Masjid Bari Street, Kot-06. P.S. Bwctolla.</p>	
		Cont..	

No.

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for information

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West Bengal Form No. 4310

POSTA P.S.
G. D. Extract from the Movement Officer's Daily Register

Date	G. D. No. and Time	Subject	Remarks
29/05/2019	2324 08.05hr.	<p>Ref: See D₂ GDE No. 2309 of dttd 28/5/2019 the following two (02) custody a/cd. persons who were previously arrested by this P.S. for disorderly conduct and prosecuted u/s-68 <u>IV</u> 66 K.P. Act, was released on P.S. bail after furnishing proper bail bond under order of O.C. See D₂,</p> <p>1) Rajkamal Mali (40) S/c- Sitaraman Mali</p> <p>2) Brijendra Soni (30) S/c- Sri Prakash Soni</p>	

sd
T.K. Singha
ASI/D₂

No. .

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for information

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श्री भान.

मैं प्राची शिवराम गुप्ता पुत्र स्व. श्री बाल प्रकाश गुप्ता 22 No, कलाकार स्त्रीत कलकत्ता-07 का निवासी हूँ, और मैरी लैडा श्वरीद बैच का व्यापार उपरोक्त स्था पर स्थापित है, दिनांक 24.05.19 को व्यापारिक कार्य भार मैं प्राप्त रूपसे 10, लाख और कुछ महत्वपूर्ण दस्तावेज अपने उपरोक्त स्थान पर स्थित कागलिय के बैंग में रख कर रात को अपने घर चले गए.

अगले दिन 28.05.19 को कागलिय श्वीला, और रूपसे किसी को अदा करने के लिये रूपसे देना ही रूपसा उस स्थान पर बैंग ली जाया तो उस दिन वहा पर मौजू लोगो से कुछ लक्ष कित्या और विन्डिंग के दरवाज हथान वहादुर सिंह से भी कुछ लक्ष कित्या ले थट पता चला की राजेन्द्र जोशी, अपने एक सहयोगी, राज कुमार मल केसा रूपसा थटा से ले कर गया है और C.C.T.V फूटेज से भी उपरोक्त बात की पुष्टी हुई तो मैने राजेन्द्र जोशी को बुलाया उससे कुछके पर भी उसने स्वीकार कित्या की रूप उसने ही अपने सहयोगी राज कुमार मल के साथ लिया है, और राज कुमार मल को बुला दौना के 3-3 लाख रूपसा वापस दे दीया और किसी प्रकार की कागली कार्यवाही न करके के तीस प्रायता कित्या तो हमारे मन में भी उससे 20, लक्ष पुराने पहचान दौके के कारण दया भाव आडि और मैने उससे कोडे कागली कार्यवाही न करके के तीस लक्ष ले उसने लहा की बाकी रूपसा भी वट दिनांक 01.06.19 को देने को लट

इस लिस मैं आपके समक्ष कोडे भी कागली कार्यवाही न करके के तीस आवेदन कर रहा हूँ. कृपया आवेदन स्वीकार करने की कृषा करे,

भवदीय

Shiv Ram Gupta;

S.R. Gupta.

29.5.19

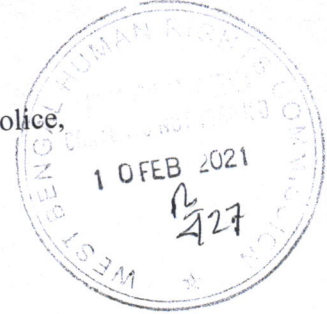
9831837533

- 31 -

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D. No. 1230/CR/2021

Government of West Bengal,
Office of the Deputy Commissioner of Police,
Central Division, Kolkata,
138, S N Banerjee Road,
Kolkata-700013.



Dated 02.02.21

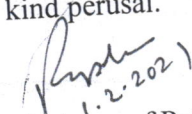
Memo No. 99/CD+Encls.

To
The Assistant Secretary,
West Bengal Human Rights Commission
Purta Bhavan (2nd Floor) Block -DF, Sector-1
Salt Lake,
Kolkata-700091

S.O.
Pl. Put up with relevant file
Asstt. Secy.

Ref: Case No. 1204/25/5/2019.
Sub: Matter of Rajendra Kumar Joshi.

I am sending here with the original report submitted by Shri Santanu Chattopadhyay, Assistant Commissioner of Police (III), Central Division, Kolkata along with relevant documents as sought from your end for your kind perusal.


Deputy Commissioner of Police,
Central Division, Kolkata.
Deputy Commissioner of Police,
Central Division, Kolkata

Enclosed:
Original report along with relevant documents.

DC CD

Ref:- Notice of W.B.H.R.C. Case No. 1204 / 25/ 5 / 2019 dated 18.12.20 arising out of the complaint of one Rajendra Kr. Joshi.

Sir,

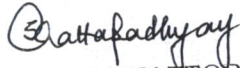
In reference to the above, this is to state that the W.B.H.R.C sought for the legible copies of all the documents referred in the report dated 15th January 2020 and any other record upon which we may rely upon.

In response to the letter referred above the legible copies of the following documents are annexed herewith:-

- I. Extract of Posta PS G.D.Entry No. -2299 dt. 28.05.19.
- II. Extract of Posta PS G.D.Entry No. -2309 dt. 28.09.19
- III. Extract of Posta PS G.D.Entry No. -2324 dt. 29.09.19
- IV. Extract of Posta PS G.D.Entry No. -2358 dt. 29.05.19
- V. Extract of Posta PS G.D.Entry No. -2442 dt. 30.09.19
- VI. Colour xerox copy of injury certificate of MCH in the name of Rajendra Kr. Joshi dated 29.05.2019.
- VII. Legible xerox copy of letter of complaint of Shiv Ram Gupta dt 29.05.19.

This is for favour of your kind information and perusal for onward transmission, if approved.

Submitted,


(SANTANU CHATTOPADHYAY)
ASST. COMMISSIONER OF POLICE (III)
CENTRAL DIVISION
Asst. Commissioner of Police (III)
Central Division, Kolkata 19/1/20

West Bengal Form No. 4310

POSTA P.S.

G. D. Extract from the Movement's Daily Register

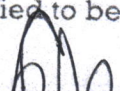
Date	G. D. No. and Time	Subject	Remarks
3/05/19	2299 19.50 hrs.	Leaving P.S. along with force on receiving an information of chaos near Haldisam at the xing of Ratan Sarkar Garden Street and Kalarar Street, Kot-07 to verify the same. Scl/- Suman Biswas SI/D2	

No.

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for information

.....MOVEMENT OFFICER

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West Bengal Form No. 4310

POSTA P.S.

G. D. Extract from the Movement's Daily Register

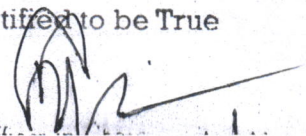
Date	G. D. No. and Time	Subject	Remarks
28/5/2019	2309 21.20 h.	<p>Ref. G.D.E. NO. 2299 dt- 28.5.2019 ret'd. to P.S. along with force after executing an information of chaos near Haldiram on Ratan Sarkar Garden Street & Kalakar Street ring, Kot-07.</p> <p>On reaching there it was found that the following persons were creating nuisance by means of shouting and fighting among each other taking some of their old business issue. Asked them repeatedly not to create nuisance such day and to breach of Peace of that locality by they are so drunken that to pay any heed in that request. Finding no other alternatives to restore Peace they were arrested on 28.5.2019 at about 20.50 hrs. U/s- 68 IV GG R.P. Act observing all legal formalities of arrest from near Haldiram on Kalakar Street and Ratan Sarkar Garden Street, Brought them to P.S. and detained in safe custody. condition of bail was duly communicated.</p> <p>D Achintā Das (25) s/o- Sudhāranjan Das. of 10, Masjid Bari Street, Kot-06. P.S. Bwctolla.</p> <p>Cont..</p>	

No.

Forwarded to the
for information

MOVEMENT OFFICER

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West Bengal Form No. 4310

POSTA P.S.

G. D. Extract from the Movement's Daily Register

Date	G. D. No. and Time	Subject	Remarks
15/2009	2309 Cont...	<p>2) Rajkamal Mali (40) s/o- Sitaram Mali of A.C. Market, Howrah, P.S. Golabari</p> <p>3) Brayendra Soni (38) s/o- Sri Prakash Joshi of Lake town, Dakshindarsi, Kot-48 P.S. Lake town.</p> <p>O/e, See D₂ was kept informed.</p> <p>Sd/- Suman Bishwas SI/D₂</p>	

No.

Forwarded to the
for information

MOVEMENT OFFICER

Certified to be True

Officer-in-Charge

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West Bengal Form No. 4310

PETA P.S.

G. D. Extract from the Movement's Daily Register

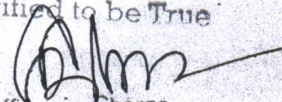
Date	G. D. No. and Time	Subject	Remarks
29/05/2019	2324 08.05hr.	<p>Ref: See D2 GDE NO-2309 of dttd 28/5/2019 the following two (02) custody acc. persons who were previously arrested by this P.S. for disorderly conduct and prosecuted 078-68 IV of K.P. Act, was released on P.S. bail after furnishing proper bail bond under order of O.C. See D2,</p> <p>1) Rajkamal Mali (40) S/o- Sitaraman Mali</p> <p>2) Profendra Sori (30) S/o- Sri Prakash Sori</p>	
		<p>sd T.K. Singha ASI/D2</p>	

No.

Forwarded to the
for information

.....MOVEMENT OFFICER

Certified to be True



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West Bengal Form No. 4310

POSTA P.S.,
G. D. Extract from the Movement's Daily Register

29/05/2019

Date	G. D. No. and Time	Subject	Remarks
	2358 14.00 hrs.	<p>This is to keep on record that one Sri Shibram Gupta (46) s/o - Lt. Gyan Prakash Gupta of 22, Madhab Ghosh Road, Salkia Howrah, P.S - Golabari, Mob. - 98318-37533 came to this P.S. alongwith one Rajendra Joshi (36) s/o - Sri Omprakash Joshi of 436, Dakshin Darsi Road, Kot-48, P.S - Lake town and one of his associate namely Rajkumar Mall (36) s/o - Lt. Ram Chandra Mall of 152/7, Hardat Roy Chauria Road, Howrah, P.S - Golabari Pin- 71101. and reported that regarding a dispute cropped up among them in respect of some of their business relation moneytory transaction. However they all reported regarding their settlement of the dispute amicably among themselves and placed no complaint in this regard accordingly.</p> <p>They all left P.S. having no complaint no. injury.</p> <p>O/c. See D2 was kept intimation in details.</p>	

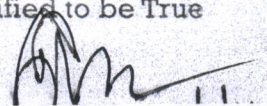
Sd,
Suman Biswas
SI/D2

No.

Forwarded to the
for information

MOVEMENT OFFICER

Certified to be True



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West Bengal Form No. 4310

POSTA P.S.
G. D. Extract from the Movement's Daily Register

Date	G. D. No. and Time	Subject	Remarks
30/05/2019	2442 16.15h.	<p>Received one attendance M.C. from Medical college & Hospital, Kolkata M.C.No- 6762, Attendance.. Name: Rajendra Kumar Joshi (36) Address: 436, Dakshindari Road, P.S- Kame Town, Kolkata-48 P.O- In front of Tiwari brother's Kalakar street, Kot-07.</p> <p>Attendance on 29.05.2019 at 08.10 P.M. c/s- Assaulted by Person. Informed D/O. S.T. Adhikary</p>	

Sd/-
L.C. Dhara
ASI/02

No.

Forwarded to the
for information

.....MOVEMENT OFFICER

Certified to be True





Ref Mr CHOPGORE 1094 dt 29/5/19
Government of West Bengal
Medical College and Hospital, Kolkata

No. 6762

INJURY CERTIFICATE

To Ref. posta p-s. G. D. E. no-2442 dt 30/5/19
Station Beh
Date 29/05/19
Time 8:10 P.M.
The Officer-in-Charge Ref Sec 'H' G.D.F NO 2872 Dt. 30/05/19
Bambazar Police Station

Ref.: Police Case No. / Dairy Entry No. _____ Date _____
Name of the injured RAJENDRA KUMAR JOSHI Sex M Age 36 yrs.
Address 636 Dakshindevi Road, PS-Dake Tower,
Identification Marks: (i) _____ (ii) plant 70048
Identified by Mukesh Kumar Joshi
Consent for examination taken from DO

If the injured complains of any pain, or if there is tenderness, difficulty in respiration, swallowing, difficulty in speech, urination or defecation pain and tenderness at
Posture and Gait Stooping Both Hand and mild Asymmetric
Any sign of intoxication no pain and tenderness at back
Dress-blood stain or any other stain, recent tear or cut marks _____
Any blood or stain on any part of the body no
Place of occurrence In front of Tiwari Brothers Sweet Shop
at Dakshindevi St. of Bambazar

Serial No.	Nature of injury Whether incised wound burn, bruise, fracture or dislocation	Size of each injury in centimeters that is length breadth and depth	On what part if the body inflicted	Simple / Grievous or dangerous	By what weapon inflicted or how caused / pointed / fire arm etc.	Remarks: Age of injury, whether X-Rayed, Admitted / Under Observation / where referred for further examination Report / Treatment / Any other relevant information
	<u>As Stated Above</u>		<u>Both Hand and Back and Both Buttock.</u>	<u>Simple</u>	<u>By Fist and Blow and Nail, Stick</u>	<u>At 8 P.M. on 29/05/19 at Posta</u> <u>As stated in E.R. Slip</u>

I, Mukesh Kumar Joshi identify that said Rajen Kumar Joshi was asked the questions and gave the answers.

Signature or thumb impression of the injured
M. Joshi Rajendra Joshi

Date 29/05/19
Office seal

Signature of Medical Officer [Signature]
Full Name DR. SURAJ K. MAJUMDER
Designation E.M.O.
Regd. No. WVSMC-58108

Ref: GDE NO . 2358 dt. 29.05.19

का भे

श्री भान धानाध्यक्ष महोदय
फोर्स्टा पुलिस धाना कलकता-०७

श्री भान,

मैं प्राची शिवराम गुप्ता पुत्र स्व: श्री भान प्रकाश गुप्ता 22 No, कलाकार स्टीट कलकता-०७ का निवासी हूँ, और मैरी लीडा श्वरीद बैच का ब्यापार अपरोकर स्थान पर स्थापित हैं, दिनांक २३-०५-१९ को ब्यापारिक कार्य भार में प्राप्त रूपये १०, लाख और कुछ महत्वपूर्ण दस्तावेज अपने उपरोकर स्थान पर स्थित कापिलिच के बैग में रख कर रात को अपने घर चले गए,

अगले दिन २४-०५-१९ को कापिलिच शौला, और रूपये किसी को अदा करने के लिए रूपये देना तो रूपया उस स्थान पर बैग ली जाया तो उस दिन बहा पर मौजूद लोगो से पूछ लख कित्ता और विन्डिंग के दरवान ब्यापार बहादुर सिंह से भी पूछ लख कित्ता तो यह पता चल की राजेन्द्र जोशी, अपने एक सहयोगी, राज कुमार मल के साथ रूपया बहा से ले कर गया है और C.C.T.V फूटेज से भी उपरोकर बहा की पुष्टी हुई, तो मैंने राजेन्द्र जोशी को बुलाया उससे पूछने पर भी उसके स्वीकार किया की रूपया उसके ही अपने सहयोगी राज कुमार मल के साथ लिया है, और राज कुमार मल को बुलाया दोनों के ३-३ लाख रूपया वापस दे दिया और किसी प्रकार की काबूनी कार्यवाही न करने के लिए प्राथना किया तो हमारे मन में भी उससे २०, वर्ष पुराने पहचान दौरे के कारण दया भाव आई और मैंने उससे कोडी काबूनी कार्यवाही न करने के लिए कहा तो उसके कहा की बाकी रूपया भी वह दिनांक ०१-०६-१९ को देने को कहा

इस लिए मैं आपके समक्ष कोडी भी काबूनी कार्यवाही न करने के लिए आवेदन कर रहा हूँ, कृपया आवेदन स्वीकार करने की कृपा करें,

भवदीय

Shiv Ram Gupta.

S.R Gupta.

29-5-19

9831837533

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Received No. 1344 /CD/PA
Date 22/12/20

From: hrcwb2013@gmail.com
To: "DC Central" <dccentral@kolkatapolice.gov.in>
Sent: Friday, December 18, 2020 3:30:54 PM
Subject: WBHRC: NOTICE


Respected Sir/Madam,

Please find attached herewith.


Thanks & Regards,
West Bengal Human Rights Commission

AC-III, CD

Pl. Submit your report
by 07/01/21.


Dy. Commr. of Police
Central Division, Kolkata Police

AC IV
16 discus


Deputy Commissioner of Police,
Central Division, Kolkata

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WEST BENGAL HUMAN RIGHTS COMMISSION

PURTA BHAVAN, 2ND FLOOR, BLOCK-DF, SECTOR - I, SALT LAKE CITY KOLKATA. Pin Code : 700091

Tel : 033 2337-2655 Fax : 033 2337-9633

Email ID : hrcwb2013@gmail.com Website : http://www.wbhrc.nic.in

NOTICE

Case No. 1204/25/5/2019

To

THE DEPUTY COMMISSIONER OF POLICE
CENTRAL DIVISION, KOLKATA POLICE, 138, S.N.
BANERJEE ROAD, KOLKATA- 700 013.

WHEREAS the complaint/intimation dated 01/06/2019 received from RAJENDRA KUMAR JOSHI in respect of RAJENDRA KUMAR JOSHI was placed before the Commission on 10/12/2020.

AND WHEREAS upon perusing the complaint the Commission has passed the following order.

The subject matter of enquiry is a complaint dated 1 June 2019. It is surprising that an officer of the rank of Asst Commissioner of police, Kolkata in his report dated 15th of January 2020 has referred to complaints lodged against the petitioner subsequent to 1 June 2019. The Deputy Commissioner of police under the cover of his letter dated 12 February 2020 forwarded the aforesaid report to the commission obviously without applying his mind. The Deputy Commissioner of police, central division, Kolkata is directed to furnish legible copies of all the documents referred to in the report dated 15 January 2020 including any other record on which he may like to rely upon in support of his case. Compliance by 15 January 2021.

NOW THEREFORE TAKE NOTICE that you are required to submit the requisite information / Report within 4 weeks from the date of receipt of this notice. *By 15/1/2021*

TAKE FURTHER NOTICE that in default the Commission may proceed to take such action as it deems proper.

Given under my hand and seal of the Commission, this the day of 12 December 2020.

(BY ORDER)

15.12.2020

Registrar/Dy. Registrar/Asst. Secretary

Encl: Copy of the complaint.

- Note -->
1. The information / report shall be furnished only by the authority which is called upon to do so.
 2. Please quote the Case No. referred above in all future correspondence / reports.

CC to:

Case No. 1204/25/5/2019

Case No. 1204/25/5/2019

RAJENDRA KUMAR JOSHI
434 DAKSHINDARI ROAD P.O- SREEBHUMI PS- LAKE
TOWN
NORTH 24-PARGANA, WEST BENGAL.

Date: 10.12.2020

The subject matter of enquiry is a complaint dated 1 June 2019. It is surprising that an officer of the rank of Asst Commissioner of police, Kolkata in his report dated 15th of January 2020 has referred to complaints lodged against the petitioner subsequent to 1 June 2019. The Deputy Commissioner of police under the cover of his letter dated 12 February 2020 forwarded the aforesaid report to the commission obviously without applying his mind. The Deputy Commissioner of police, central division, Kolkata is directed to furnish legible copies of all the documents referred to in the report dated 15 January 2020 including any other record on which he may like to rely upon in support of his case. Compliance by 15 January 2021. The matter be listed on 18th January 2021 by the Asst Secy.



(Justice Girish Chandra Gupta)

Chairperson

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2792/CR/2020

Government of West Bengal,
Office of the Deputy Commissioner of Police,
Central Division, Kolkata,
138, S N Banerjee Road,
Kolkata-700013.



Memo No. 249/CD + Encl.

Dated 12 / 02 / 2020

To
The Assistant Secretary,
West Bengal Human Rights Commission
Purta Bhavan (2nd Floor) Block -DF, Sector-1
Salt Lake,
Kolkata-700091

S.O.
Pl. Put up with relevant file
20.2.2020
Asst. Secy.

Ref: Case No. 1204/25/5/2019.
Sub: Notice.

With reference to Memo quoted above, I am enclosing herewith a detailed and self explanatory report along with related papers/documents submitted by Shri Abhijit Ghosh, Assistant commissioner of Police (IV), Central Division, Kolkata for favour of your kind perusal.


Deputy Commissioner of Police,
Central Division, Kolkata.

Enclosed:
~~Original.~~
Xerox copy of the report along with related papers/documents.

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DC CD

Ref. CD (COM) No. 55/19 dated 22.11.2019 arising out of complaint of Sri Rajendra Kumar Joshi before West Bengal Human Rights Commission dated 01.06.2019.

Sir,

In reference with the above noted reference an enquiry was caused and the available records of Posta PS were verified. It was found that on 28.05.2019 at about 20.50 hrs, three (03) persons namely Achinta Das (25) of 10, Masjit Bari Street, Kol-06, PS Burttola, Rajkamal Mali (40) of near Howrah A.C. Market, PS-Golabari and one Brajendra Soni (38) of Dakshin Dari, Lake Town, Kol-48 PS- Lake Town were arrested u/s- 68-66 K.P. Act as they were found creating breach of peace by making ruckus in drunken state and committing disorderly conduct also. They were detained in safe custody at P.S. and condition of their obtaining of bail was duly communicated. The details are diarised in Posta PS GDE No. 2309 Dated 28.05.19 at 21.50 hrs by SI Suman Biswas of Posta PS. It was learnt from the PS that the arrestee Chinta Das was released in PS bail with the proper condition of bail bond and other two were in safe custody in their denial of bail. Thereafter, a communication was reportedly made by the staffs of Posta PS engaged in Special Task (i.e. Specials) that the rest two arrestees are supposed to be involved in a theft incident on 27.05.19 at 22, Kalakar Street, Kol-07, PS Posta and they have quite suppressed their actual identities also. Later on the rest two arrested persons admitted the fact and also disclosed their actual identities as Rajkumar Mall and Rajendra Joshi. Since the all procedures/records of the arrest and detention at Posta PS were already done as per their primary identities they disclosed which is incidents, both of them detained in Posta PS lock up for verification and further initiation of legal action against them, if necessary. But till early in the morning on 29.05.2019, there was no reporting against the arrestees in respect of the theft incident. Both of the arrestees thereafter were released in PS bail issuing proper bail bond. Both of them left PS with their properties (deposited at Posta PS from the time of their detention at PS Lock Up) after putting their actual consent signature/name on P.P. Register which was witnessed by their family members.

Contd.....P/2

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-: 2 :-

It was further learnt that at the early part of the afternoon on 29.05.19, one Shibram Gupta of 22, Kalakar Street, Kol-07, PS Posta came along with the said (arrestees) Rajendra Joshi (36) of 436 Dakshin Dari Road, Kol-48, PS-Lake Town and Rajkumar Mall (36) of 152/7, Hardat Roy Chamaria Road, Howrah, PS- Golabari, Pin-711101 and requested in written that the incident of theft incident at his office of Rs. 10(ten) Lakhs has been amicably steeled out on 28.05.2019 as the very two persons have already returned Rs. 06 (six) Lakhs to him (Rs. 03 Lakhs each) and promised to return the rest amount shortly. Considering the same, the matter was diarised in Posta PS by SI Suman Biswas of Posta PS vide GDE No. 2358 dated 29.05.19 at about 14.00 hrs and they all left PS by putting their own signature for having no injury, no complaint.

As per the petition of Sibram Gupta, the two persons (i.e. Rajendra Joshi and Rajkumar Mall) started denying to return of the rest stolen amount by abusing the said Shibram Gupta of 22, Kalakar Street, Kol-07 and by threatening him to bring false allegation against him including Posta PS. Being irritated by their attitude and helpless by their activities, the said Shibram Gupta submitted repeated complaint, lodged diaries against the two persons not only at Posta PS but also at Golabari PS, Howrah. Lastly, on 15.06.2019 a case vide Post PS Case No. 87 Dated 15.06.19 U/s- 379/34/506 IPC was initiated against the two i.e. Rajkumar Mall and Rajendra Joshi on the basis of further letter of complaint of Sri Shibram Gupta.

During the course of investigation into Posta PS Case No. 87/2019, the reporting of theft allegedly committed by the two was verified from the CCTV footages of the P.O. & other places and also by examining witnesses by the I.O. of the case SI- Rajdeep Singh of Posta PS and therefore on 23.06.19 one of the FIR named accused Rajendra Joshi was arrested and was in J.C. till 19.07.2019. After the completion of investigation, Charge Sheet has been approved/ submitted against the two FIR named accused persons including the said petitioner accused Rajendra Kumar Joshi on 30.09.2019.

It is pertinent to mention that the alleged physically assault to the accused Rajendra Joshi by SI Suman Biswas of Posta PS on 28.05.19 could not be substantiated comparing the data/records of Posta PS. Rather, it is apprehended that the allegation against the officer is enhanced to keep the Police authority under pressure so that the fair, proper and impartial legal action against the instant petitioner (the FIR accused) Rajendra Joshi may kindly be influenced and also to escape from the process of law as well as from returning of the rest stolen amount i.e. Rs. 04 Lakhs to the complainant Mr. Shibram Gupta.

Submitted

Abhijit Ghosh
15.01.2020

(Abhijit Ghosh)

Assistant Commissioner of Police (IV)

Central Division, Kolkata
Central Division, Kolkata

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1369/cf/2019



Date: 01.06.2019

To,
Chairman,
Human Rights Commission,
West Bengal,

Re.: Merciless assault by Suman Biswas inside Posta Police Station

Respected Sir,

This is to bring to your kind knowledge that I Rajendra Kumar Joshi, son of Om Prakash Joshi, is a resident of ⁴³⁶456, Dakshindari Road, P.O.: Sreebhumi, P.S.: Lake Town, Kolkata- 700048. Kindly note that on 28.05.2019, I was called by two police official and taken to Posta Police Station, wherein I was detained by Suman Biswas. Suman Biswas tried to tag me in a case where some money was stolen. I was mercilessly beaten by Suman Biswas on my back side and buttocks as well as on the legs. I was unable to stand properly and walk. I told Suman Biswas whatever I knew but despite that I was beaten mercilessly by Suman Biswas inside the police station. I was unable to stand and walk properly. The next day i.e. 29/05/2019, I was released from the police station. I directly went to Medical College and Hospital, Kolkata and got myself treated. I have the injury report with me. Also note that my family members were not informed that I was taken to Posta police station and when they did not find me, my family members lodged a GDE No. 1799 dated 29.05.2019 at Lake Town police station.

As such I beg before your kindness to take necessary action against Suman Biswas and others related to the aforesaid incident so that I can get justice.

Thanking you.

Yours faithfully,

Rajendra K.R. Joshi

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LAKE TOWN P.S.

GDE No/Case No..... 1799

Date 29/05/19

Signature

To
The Officer-in-Charge,
Lake Town Police Station
Under Midhannagar Police
Lake Town, Kolkata-700089

Subject: Kidnapping from the residence of Dakshindari

I, Sarala Devi Joshi, W/o. Om Prakash Joshi, residing at 436, Dakshindari Road, P.O. Sreebhumi, PS. Lake Town, Kolkata-700048 hereby inform you that -

On 28.05.2019 at about 10:30 pm two unknown persons came in front of my above residence and call my elder son Rajendra Kumar Joshi, and my son stand outside my residence with them for their calling, and after 15 to 20 minutes later they go ahead. we have searching various places also his nearest friends, but in vain.

I have caused necessary enquiries of his friends and various places other possible places, but he could not be traced out upto now from that time.

I would request you to kindly look into the matter and take immediate action and lodged FIR in this regard.

Description of my Son :

- Name : Rajendra Kumar Joshi
- Age : 32+
- Languages : Hindi
- Complexion : Fair
- Height : 5'-5" approx
- Health : Healthy
- Wearing cloths : Light Blue Kurta & Trouser.
- Mobile number of Rajendra Kumar (Elder son) : 9748724309. But the number is Switched off from that time.

Your kind cooperation is highly appreciate.

Thanking you,

Date : 29.05.2019

सरला देवी जोशी
(Sarala Devi Joshi)
W/o. Om Prakash Joshi
436, Dakshindari Road, Kolkata-700048
P. 8981770841 / 9163376735.

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Government of West Bengal
Medical College and Hospital, Kolkata

No. 6762

INJURY CERTIFICATE

To
The Officer-in-Charge
Bambayan Police Station

Station MCH
Date 29/05/19
Time 8:10 A.M.

Ref.: Police Case No. / Dairy Entry No. _____ Date _____
Name of the injured RAJENDRA KUMAR JOSHI Sex M Age 36 yrs.
Address 436 Dakshindhari Road, ps-dake Tower,
Identification Marks: (i) _____ (ii) Plat-700048
Identified by Mukesh Kumar Joshi
Consent for examination taken from DO

If the injured complains of any pain, or if there is tenderness, difficulty in respiration, swallowing, difficulty in speech, urination or defecation pain and tenderness at
Posture and Gait Stiff Both Hand and mild Nausea
Any sign of intoxication No pain and tenderness at back
Dress-blood stain or any other stain, recent tear or cut marks _____
Any blood or stain on any part of the body NO
Place of occurrence In front of Timoni Brothers Sweets Shop
at Kolkata in ps of Bambayan

Serial No.	Nature of injury Whether incised wound burn, bruise, fracture or dislocation	Size of each injury in centimeters that is length breadth and depth	On what part if the body inflicted	Simple / Grievous or dangerous	By what weapon inflicted or how caused / pointed / fire arm etc.	Remarks: Age of Injury, whether X-Rayed, Admitted / Under Observation / where referred for further examination / Report / Treatment / Any other relevant information
	<u>As Stated Above</u>		<u>Both Hand and Back and both Buttocks</u>	<u>Simple</u>	<u>By Foot and Stick and Nail.</u>	<u>MCH</u> <u>As stated in E.R. Slip</u>

Mukesh Kumar Joshi identify that said Rajendra Kumar Joshi was asked the questions and gave the answers.
Signature or thumb impression of the injured [Signature]

Date 29/05/19
Office seal

Signature of Medical Officer [Signature]
Full Name DR. SURAJIT JUMDER
Designation E.M.O.
Regd. No. W.B.M.C-58108