

## WEST BENGAL HUMAN RIGHTS COMMISSION

File No. 02/SMC/22

Shri Naprajit Mukherjee - Member

The news item appeared in the Times of India, dated 20/06/2022 with headlines **"Cop in car drags, thrashes youth on BT Road, held"**

1) According to this news item, the police on Sunday arrested S.I. identified as Soumen Das, from Lake Police Station, who was responsible for causing injury to one Ravi Singh. The news-item further stated that the S.I. Soumen Das was responsible for causing accident with his car with that of Ravi Singh, who had parked his car outside a Restaurant. The driver deliberately moved his car ahead at a high speed and hit Ravi Singh. While Ravi Singh was trying to save himself, he was struck on the bonnet of the car of Soumen Das and was dragged for about one kilometer from Sodepur Traffic More to Sodepur Dhankal More, along BT Road. Later, Soumen Das stopped the car, got down and thrashed Ravi Singh.

2) The West Bengal Human Rights Commission took suo motu cognizance of the matter and called for a report from the Commissioner of Police Barrackpore Police Commissionerate. Accordingly, the Commissioner of Police, Barrackpore Police Commissionerate submitted an enquiry report of the Assistant Commissioner of Police, Barrackpore Police Commissionerate vide his Memo. No. 7015/E/HRC dated 07/07/2022.

3) According to the enquiry report, on 17.6.2022 around 12:10 hours one Ravi Singh, S/o. Vijay Kumar Singh of 38/6 BT Road, P.O. B D Sopan, P.S. Khardah was waiting in front of Dada Boudi Restaurant, beside B.T. Road, Sodepur under P.S. Khardah for his ordered food from that restaurant. He had parked his Car No. WB 24BA 0101 nearby B T Road when one driver in Car No. WB24AX 9925 took sudden u-turn and dashed against the parked car of Ravi Singh. Ravi Singh confronted the driver of the offending vehicle and the offending driver who was under influence of alcohol abused him with filthy language and assaulted Ravi Singh and then drove his car on Ravi Singh. In order to save himself, Ravi Singh caught hold of the bonnet of the offending vehicle. As a result of which Ravi Singh was carried in a dangerous manner for quite some distance. Ravi Singh managed to jump off the vehicle and offending driver assaulted him and fled away. Later on, the police interfered registered a case and rescued Ravi Singh and shifted him to Sree Balaram Seva SG hospital where he was treated and released. In this connection, on the complaint of Ravi Singh, Khardah P.S. Case No. 489/22 dated 18/06/2022 u/s 341/323/307/427/506 IPC was registered and police took up the investigation. Soumen Das, Sub-Inspector of Police was arrested as accused person and seized his offending vehicle. He was produced by police before Ld. ACJM, Barrackpore Court on 19.06.2022.

4) The Commission examined the report of the Asst. Commissioner of Police, Barrackpore Police Commissionerate and found that there were lot of latches as a result of which it was decided to obtain certain clarification namely

- a) According to the news item, the offending driver was a Sub-Inspector of Police (Soumen Das) under Lake P.S., Kolkata Police but this fact was never mentioned in the report. Also, whether Commissioner of Police, Kolkata Police had been intimated to take up appropriate disciplinary action against S.I.Soumen Das.

- b) The Assistant Commissioner of Police in his report had mentioned that the driver was driving the offending vehicle under influence of liquor. Whether the police conducted any medical examination on the accused person to ascertain whether he was under influence of liquor?
- c) Why no sections under Motor Vehicles Act for rash and negligent in driving as well as drunken driving were added in Khardah P.S. Case No. 489/22 dt.18/6/2022 u/s 341/323/307/427/506 IPC ?
- d) What action initiated by the Commissioner of Police, Barrackpore Police Commissionerate for cancellation of Motor driving license according to the West Bengal Motor Vehicle Rules.
- e) Whether any action has been initiated for payment of compensation under Motor Vehicle Act.
- 5) Subsequently, Commissioner of Police, Barrackpore Police Commissionerate forwarded report of Asst. Commissioner of Police, Barrackpore Police Commissionerate vide his Memo. No. 8624/E/H dated 12/8/2022 answering points to the queries raised previously.

According to the 2<sup>nd</sup> report of Commissioner of Police, Barrackpore Police Commissionerate, he confirmed that Soumen Das was the Sub-Inspector of Police of Lake P.S. and of that information of his arrest was duly conveyed to the Commissioner of Police, Kolkata.

It was admitted that Soumen Das was arrested on 19/6/2022 and produced before the Medical Officer, Dr. B.N. Bose SD Hospital on 19.06.2022 but the medical report did not mention about the influence of liquor.

Appropriate Section of Motor Vehicle Act will be added during the submission of Charge Sheet and that driving license of the offending driver has been seized and steps would be taken as per law for its cancellation.

6) The Commission sought clarifications from the Commissioner of Police, Kolkata, whether he had initiated any disciplinary action in connection with Khardah P.S. Case No. 489/22 dt. 18/6/2022 against the accused S.I. Soumen Das who was involved in the case. S.I. Soumen Das was suspended from 20/06/2022 and that departmental proceedings No. 74 dt. 2/09/2022 has been initiated against S.I. Soumen Das of Lake P.S. Shri Basudev Bhattacharya, AC (I) SED is the Enquiring Officer of the said departmental proceeding. The departmental enquiry is under progress.

7) The Commission thoroughly examined all the report of Commissioner of Police, Barrackpore and Commissioner of Police, Kolkata Police. The Commission came into conclusion that the Commissioner of Police, Barrackpore Police Commissionerate did not act as per appropriate sections of law and failed to add section 337 IPC for rash and negligent driving causing hurt to Ravi Singh. Further he failed to add section 184 of M.V. Act for dangerous driving and section 185 of M.V. Act of 1988 for driving in drunken condition and under influence of drugs. It may be noted that following recent M.V. Act amendments fine for driving under influence of liquor has been raised up to Rs. 10,000/- (Rupees ten thousand).

8) The contention of Commissioner of Police, Barrackpore Police Commissionerate that B.N. Bose SD Hospital did not mention that he was under influence of liquor is not acceptable as Khardah PS should have insisted on blood alcohol level tests by hospital authorities. It should be noted that according to Medical jurisprudence, level of alcohol in blood can be ascertained up to 12- 24 hours. Thus, Commissioner of Police Barrackpore Police Commissionerate missed the opportunity and did not conduct investigation as per established procedure.

In view of above, the Commission makes the following recommendation:-

- i) A compensation of Rs.3 lakhs be given to Ravi Singh, S/o. Vijay Kumar Singh of 38/6 B T Road, P.O. B D Sopan, P.S. Khardah as a Government Officer allegedly under influence of liquor, in a very irresponsible manner drove his vehicle over Ravi Singh and assaulted him.

- ii) Liberty is given to the Government to recover the amount of compensation from the salary of Soumen Das, Sub-Inspector of Police of Lake P.S.
- iii) The Director General & Inspector General of Police, West Bengal is directed to give a circular to all concerned that in such events, Blood Alcohol test should be conducted of the offending driver and appropriate sections of M.V. Act as well as I.P.C. be added for rash and negligent driving as well as driving under influence of liquor.
- iv) It is further recommended that the Commissioner of Police, Barrackpor Police Commissionerate should add appropriate sections of I.P.C. and M.V. Act for rash and negligent driving and take appropriate action for cancellation of driving license of the offending driver and initiate action in Ld. Court for MACC Case for compensation to the victim.
- v) The Commissioner of Police, Kolkata Police should communicate to the West Bengal Human Rights Commission about the result of Departmental Proceedings against S.I. Soumen Das within three months.
- vi) The Chief Secretary, Government of West Bengal is directed to submit action taken report to the Commission within three months.

The Special Secretary & in-Charge of Secretary & C.E.O., West Bengal Human Rights Commission is directed to send a copy of this recommendation to the Chief Secretary, Government of West Bengal

Ld. Registrar of the West Bengal Human Rights Commission will upload the Recommendation in Website of Commission.

  
( Napanarajit Mukherjee)

Member

West Bengal Human Rights Commission

## Enclosures:

- 1) Copy of Media report of the Times of India dt. 20.06.2022
- 2) Copy of report of Commissioner of Police, Barrackpore Police Commissionerate  
Vide Memo. No. 7015/E/HRC dt. 07.07.2022 & No. 8624/E/ HRC, dt. 12/8/2022
- 3) Copy of report of Commissioner of Police, Kolkata Police vide Memo. No. 15785 /  
RPT, dt. 21.10.2022.