

**WEST BENGAL HUMAN RIGHTS COMMISSION**

**File No.1035/WBHRC/COM/2009-2010**

P r e s e n t

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

Having regard to the serious nature of the complaint made by a raped victim against Swargajit Bose the then O.C., Sadaipur P.S. that the said Swargajit Bose committed on her the offence punishable U/S 376 IPC on 26<sup>th</sup> December, 2004 when the complainant was 14 years old and having regard to the fact that the O.C. Nanoor P.S. refused to register the said complaint, complaint was lodged through Court which led to investigation of G.R.Case No.273/06 arising out of Nanoor P.S. Case No. 52/06 dt. 08.8.2006 U/S 493/406/417/419 IPC and charge sheet of the said case was submitted as late as on 14.12.2009 under the same Sections of IPC before the ACJM on 16.01.2010;

Having regard to the fact that despite the said complaint having been substantiated from the report of S.P. dated 16.06.2010 sent to the Asstt, Inspector-General of Police(S), Writers' Buildings, Kolkata and having regard to the evidence of Swargajit Bose, presently S.I., Suri Line O.R., Birbhum, the Commission is of the opinion that the said Swargajit Bose should have been suspended and departmental proceedings should have been initiated against him long ago;

The Commission also considered the evidence of Rabindra Nath Mukhopadhyay, IPS., S.P., Howrah (Rural) given before the Commission where the said Rabindra Nath Mukhopadhyay has admitted that departmental proceedings will be started against Swargajit Bose, S.I., Suri Line O.R., Dist. Birbhum but could not be started earlier in view of dearth of officers.

The Commission is of the view that there is dereliction of duty on the part of Rabindra Nath Mukhopadhyay,IPS who did not take immediate departmental proceedings against the concerned police officer. The explanation given in the evidence before the Commission for not starting the departmental proceeding in time is not acceptable to the Commission.

The Commission therefore recommends:

(i) A suitable disciplinary proceedings should be initiated against Rabindra Nath Mukhopadhyay, IPS for his dereliction of the duties for not initiating departmental proceedings against Swargajit Bose in time especially when such serious allegations are made against members of a disciplined force.

(ii) The Commission further recommends that Shri Swargajit Bose, S.I. of Nanoor Police Line should immediately be suspended from his service pending the conclusion of the departmental proceeding, which should also be expedited.

(iii) The Commission further recommends that a sum of Rs. 50,000/- be paid to the Raped Victim as an interim compensation and the said sum of Rs.50,000/- be realised from the salary of Rabindra Nath Mukhopadhyay.

The State Government should intimate the Commission about the action taken or proposed to be taken on the recommendations within a period of two months.

sd/-

( S.N. Roy )  
Member

sd/-

( Justice N.C. Sil )  
Member

sd/-

( Asok Kumar Ganguly )  
Chairperson

Dated : Kolkata, 2<sup>nd</sup> May, 2012

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

Sd/- (02/05/2012)  
(J. Sundara Sekhar)  
Secretary & CEO