

WEST BENGAL HUMAN RIGHTS COMMISSION
BHABANI BHAVAN, ALIPORE, KOLKATA-27

File No. 1126/WBHRC/COM/2008-09

P r e s e n t

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| 1. Mr. Justice Asok Kumar Ganguly | - Chairperson |
| 2. Justice N. C. Sil | - Member |
| 4. Shri S. N. Roy | - Member |

One Smt. Lakshmi Das wife of Sri Kartick Das of Rathtala, Natun Colony, P.O. Kanchannagar, PS & Dist. Burdwan lodged a complaint before the Chairman of the Commission on 04.06.2008 to the effect that on 02.04.2008 a complaint was lodged in the Court of C.J.M. Burdwan which was numbered as 2008/215. In the said complaint it was stated by the petitioner that her son Subrata Das was murdered by way of administering poison by the persons named in the complaint but the Burdwan Police Station refused to register the F.I.R. and finally the complaint was made before the Court under Section 156(3) Cr.P.C. and the Court directed the I.C. Burdwan PS to investigate the matter. Even then no investigation was made by the Burdwan Police Station she submitted her petition before this Commission.

2. The Commission took cognizance of the matter and called for a report from the Superintendent of Police, Burdwan on 27.06.2008.
3. Thereupon on 21.08.2009 the report was sent by the Superintendent of Police, D.E.B, Burdwan, stating therein that the investigation of the case was started and the matter is under investigation of S.I. Debanjan Bhattacharjee and for want of substantive evidence no arrest could be made and no development has taken place.
4. Thereafter as per direction of the Commission one Shri Prasun Kumar Banerjee, Inspector, IB, West Bengal, appeared before the Commission on 09.02.2012 and deposed that on getting information from the hospital one U.D. case was started at Burdwan Police Station being Burdwan P.S. Case No. 211/08 dated 07.03.2008. He further deposed that the petitioner never came to the Police Station and no F.I.R. was

registered. Subsequently the petitioner filed a Court complaint and on receipt of the same he started a regular case vide Burdwan PS Case No. 609/08 dated 17.11.2008 under Sections 302/201/20 IPC. It was initially deposed by Shri Prasun Kumar Banerjee that he received the Court complaint on 17.11.2008, but he thereafter stated that he could not recollect the date when he received the complaint.

5. Then under the order of the Commission dated 09.02.2012 an enquiry was directed to be conducted to ascertain the exact date on which the Court complaint was received by the Burdwan Police Station.

6. Thereupon the enquiry was conducted and from the enquiry report it appears that the Court complaint under Section 156(3) Cr.P.C. filed by Smt. Lakshmi Das on the basis of which Burdwan P.S. Case No. 609/08 dated 17.11.2008 under Sections 302/201/20 IPC was started was received by the Burdwan Police Station on 09.04.2008 through one Ashoke Dutta.

7. Thereafter Shri Prasun Kumar Banerjee was again called for his deposition and after failing to appear on some dates he ultimately appeared before the Commission on 03.07.20-12 and on that date he admitted that as Burdwan Police Station is a very busy PS, the Court complaint which was received by the Burdwan PS on 09.04.2008 did not come to his knowledge and he started the case on the said Court complaint on 17.11.2008. He said that he had no motive in delaying investigation in the case. He wanted another opportunity to mend himself.

8. The facts and circumstances discussed in this case clearly indicate that the police authority especially Shri Prasun Kumar Banerjee who at the relevant point of time was the I.C. Burdwan Police Station failed to take any step either to carry an investigation or cause an investigation to be made on the Court complaint which was received by the Police Station on 09.04.2008.

9. The death of the person concerned took place on 06.03.2008 but the police did not register any FIR in a case of murder of the victim. Then the petitioner filed a case before the Court under Section 156(3) Cr.P.C, even then when the complaint from the Court reached the Police Station on 09.04.2008, no investigation was taken up till the month of November, 2008.

10. This is a case of gross dereliction of duty on the part of Shri Prasun Kumar Banerjee. He has no explanation for not registering the FIR in a murder case and then deliberately delaying the investigation. Even after receipt of the Court complaint, he took seven months time to initiate the investigation in a murder case even though Court directed investigation.

11. Thus the Commission feels that the Police Officer Shri Prasun Kumar Banerjee has failed to maintain law and order in the State. The only explanation of Shri Prasun Kumar Banerjee of Burdwan PS was that the Burdwan Police Station is a very busy Police Station. This is no explanation in the in the eye of law. Therefore, it is clear that there is a clear inaction on the part of Shri Prasun Kumar Banerjee, the then I.C. Burdwan PS in carrying on his duty under the law.

12. In the aforesaid circumstances the Commission recommends

(a) Having regard to his conduct and the evidence and the circumstances of the case, Shri Prasun Kumar Banerjee, the then I.C. Burdwan PS and presently Inspector, IB, West Bengal be suspended within two weeks and appropriate departmental proceedings be drawn up against him within six weeks from the date of communication of this recommendation.

13. The State Government is requested to inform this Commission about the action taken on the basis of the recommendation within a period of three months from the date of communication.

sd/-
(Shri S. N. Roy)
Member

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

sd/-
(Justice Asok Kumar Ganguly)
Chairperson

Dated Kolkata, the 9th July, 2012.

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

Sd/- (09/07/2012)
(J. Sundara Sekhar)
Secretary & CEO