

WEST BENGAL HUMAN RIGHTS COMMISSION

File No.565/WBHRC/COM/2010-2011

Date : 07-08-2012

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

The Commission received a complaint from Smt. Nitu Let, W/o.Shyamal Let, Vill.Rampurhat Harisabhapara.,P.O. & P.S.Rampurhat, Dist –Birbhum alleging that attempts were made by her husband and in-laws to burn her to death by pouring kerosene oil on 31-5-2009 and on the same day she lodged a complaint with Rampurhat Police Station. She was sent by police officials of Rampurhat P.S. to Rampurhat Sub Divisional Hospital where doctors treated her. But since no action was taken by Rampurhat P.S. against the offenders on the basis of her complaint, she approached the Court of Ld. A.C.J.M., Rampurhat on 18-7-2009 and the Ld. Magistrate passed an order for treating her complaint as F.I.R. and directed Rampurhat P.S. to start a case u/s 498A/323/307/34 IPC. The Ld. Magistrate also fixed 23-9-2009 as the date for submission of the report to the Court. However,

Rampurhat P.S. did not comply and failed to submit any report not only on that date but on successive dates, namely, 11-1-10, 17-4-10 and 25-8-10. Finding no other alternative, she submitted her petition to the Commission which was received on 17-9-2010.

2. The Commission took cognizance of the matter and directed Superintendent of Police, Birbhum to submit a report after an enquiry.

3. Superintendent of Police, Birbhum by his letter no.8843 E dt.21-12-10 forwarded the report of enquiry conducted by S.D.P.O., Rampurhat. In his report, the SDPO stated that over the complaint of Smt. Nitu Let which was forwarded by the Court, a specific case was registered against her husband and five others on 01-1-2011 u/s 498A/323/307/34 IPC. Among the F.I.R. named accused persons, three persons were arrested and forwarded to the Court including the principal accused Shyamal Let. It was further stated that investigation of the matter was proceeding.

4. The Commission considered the enquiry report submitted by S.D.P.O., Rampurhat and decided to examine Utpal Banerjee, the then I.C. of Rampurhat P.S. u/s 16 of the PHRA.

5. Utpal Banerjee admitted in his evidence that he was the I.C. of Rampurhat P.S. at the relevant point of time. He also admitted that the original complaint must have been submitted to the Police Station but the

same was never put up to him at any stage. He also could not mention the date on which the order of the Court complaint was received by the Police Station. He further admitted that allegation made in the petitioner's complaint that the Court fixed as many as three dates for the report of the case u/s 156(3) Cr.P.C. from the Police Station but no report was sent to the Court.

6. Thus, it appears that allegations made in the complaint have been fully substantiated. I.C. of Rampurhat P.S. did not act on the complaint filed by the petitioner and even though Ld.A.C.J.M. had directed the Rampurhat P.S. to treat the complaint of the petitioner as F.I.R. u/s 156(3) Cr.P.C. and to conduct investigation and fixed dates for submission of the police report but Rampurhat P.S. did not send any report on four occasions. Ultimately, the petitioner finding no other alternative approached the Commission and her complaint was received on 17-9-2012. The Commission immediately took cognizance of the matter and directed S.P., Birbhum to submit a report and only after the Commission's intervention in the matter Rampurhat P.S. started the case on 01-11-2010 although the incident occurred on 31-5-2009. Utpal Banerjee, the then I.C. of Rampurhat P.S. could not offer any explanation as to the reason for such inordinate delay in starting the case in spite of repeated directions by the Court. The conduct of this officer is

reprehensible and deserves strong condemnation. The graph of crimes against women in the state has been steadily rising and this kind of callous indifferent attitude towards serious offences against women on the part of the I.C. of a Police Station must be dealt with severely. Accordingly, the Commission recommends that:-

- i. disciplinary proceedings be instituted immediately against Utpal Banerjee, the then I.C. of Rampurhat P.S. and
 - ii. Rs.20,000/- (Rupees twenty thousand) be provided to the petitioner by way of compensation for the expenses she had to incur in approaching the Court and the mental trauma caused to her due to inexplicable inaction on the part of Utpal Banerjee, the then I.C. of Rampurhat P.S., Dist – Birbhum.
7. 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/-	Sd/-	Sd/-
(S.N. Roy) Member	(Justice N.C. Sil) Member	(Asok Kumar Ganguly) Chairperson

Dated: Kolkata, the 7th August, 2012

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

Sd/- (07/08/2012)
(J. Sundara Sekhar)
Secretary & CEO