

West Bengal Human Rights Commission
Bhabani Bhavan, 2nd Floor, Alipore, Kolkata - 27.

810/WBHRC/Com/10-11

Date : 06.09.12

Present ::

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

1. This is to consider an application of Debaprasad Gon, Asstt. Manager of UCSCS Ltd. Bank who was kidnapped on 28.09.10 at about 5.10 p.m. by Alam Mondal, Bulan Munshi, Samsul Allam, Babar Ali and Hatim Sk. while he was going with one Rajeswar Hati, a staff of the said Bank in his motorcycle towards Kalna. Those miscreants intercepted the motorcycle on the way and asked Rajeshwar Hati to leave the place and thereafter forcibly took the petitioner in the house of Hatim Sk. at Laskarpur and confined him there in a room under lock and key. Thereafter Rajeshwar Hati informed the incident of kidnapping to the relatives and the wife of the petitioner who all went to the O/C of Monteswar P.S. and informed him of the incident. The Police party of Monteswar P.S. rescued the petitioner and took him to his house but no case was registered. The petitioner thereafter on 30.09.10 sent registered letters vide postal receipt Nos.5371 and 5372 dt. 30.09.10 to SDO and SDPO Kalna and sent a letter through courier to C.I. Kalna but no case

was registered. Then the petitioner filed a complaint case in the court of the of the ACJM Kalna on 11.10.10 against the accused persons but the Police authority of Monteswar P.S. did not register any case against the accused persons who all belong to CPI(M) Party.

2. On receipt of that complaint, this Commission took cognizance and asked the S.P., Burdwan to submit his report. Thereafter the report was submitted. The relevant portion of the said report reads as below:

“It is also fact that he was recovered due to the intervention of Monteswar P.S. during the night of the said incidence at about 01.00 hrs (28/29.09.10). But no specific case was lodged at Monteswar P.S. and therefore he filed a petition before Ld. ACJM Kalna and accordingly Monteswar P.S. case No.175/10 dt.15.12.10 u/s 379/365/386 IPC started against the above noted accused persons.”

3. On the basis of that report the Commission decided to call the SDPO, Kalna and the officer-in-charge of Monteswar P.S. But the SDPO, Kalna was absent without any intimation although the record shows the notice was duly sent to him. The then O/C Md. Baktiar Hossain, however, appeared before this Commission and he stated that the intimation of kidnapping was received by the duty officer from the officers who were on RT duty. The witness could not say the name of the duty officer. The fact of receipt of the said information was not diarised, the

witness admitted. But the witness kept mum when he was asked why the diary was not made as required under the rules. The witness further admitted that after receipt of the information, forces from the P.S. went to the spot and rescued the petitioner, Debaprosad Gon. Again it is admitted by the witness that the fact of rescue of the petitioner was also not recorded in the General Diary. Then the O/C stated, "I do admit that this is the responsibility of the O/C to keep track with all the GDs made in the P.S. and ensured appropriate action on them." He further admitted that Police should have started the case Suo-motu particularly when he was rescued by the Police. It is again in his evidence that subsequently on the basis court complaint, a case u/s 379/365/386 IPC was started against the offenders and charge sheet was also submitted.

4. Thus, it is clear from the evidence of the O/C that the Police authority of Monteswar PS clearly sided with the offenders which prompted them not to start any case against the offenders although they had rescued the petitioner from the clutches of the offenders. The inaction and total partial treatment of the Police authority of Monteswar P.S. particularly of the witness Md. Baktiar Hossain, the then O/C compelled the petitioner to take shelter in the Court and only thereafter the case was started at the said P.S. and in no time charge sheet was also submitted. The attitude and the inaction shown by the O/C for not starting any case for the incident which amounted to a cognizable offence

is candidly unbecoming of a public servant and that caused violation of human rights of the petitioner.

5. In view of what has been discussed in the foregoing lines the

Commission recommends :

- i. that departmental proceedings be initiated against Md. Baktiar Hossain, the then O/C Monteswar P.S.
- ii. that the petitioner be paid a sum of Rs. 25000/- as compensation for the inaction of the then O/C Monteswar P.S. resulting in violation of human rights of the petitioner.

6. The Govt. should inform the Commission within a period of two months from the date of receipt of these recommendations as to the action taken or proposed to be taken in this regard.

sd/-
(S.N. Roy)
Member

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

sd/-
(Justice Asok Kumar Ganguly)
Chairperson

Dated Kolkata, the 06th September, 2012.

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

Sd/- (06/09/2012)

(J.Sundara Sekhar)

Secretary & CEO