

A Telecom message was received from D.C., South Division, Alipore to the effect that “on the Night of 28.01.2013 at about 21-15 hrs, BSF Party of BOP BITHARI consisting of No. 87006762 ASI Amalendu Mahato, No. 87121566 H.C. Mahabir Prasad, No. 88123407 H.C. Rabindra Kumar, No. 97005759 C.T. Kesab Bhanwar, No. 97005758 C. T. Dasha Salve, No. 03254548 C. T. Rajanish Kumar, No. 42545488 C./T. Yokesh Sharma, No. 95005135 C. T. Sanjay Singh, heard the noise of some large group by the side of O.P. Point Nadi – 1 near B.F.L. Pole No. 08 on the I.B.P.R. A S.I. Amalendu Mahato was the 1st person to reach the spot. On reaching the spot he found 20/25 cattle smugglers, who attacked him with brick-stones / lathi and “Daws”. He was able to deflect most of the attack and then the criminals tried to push him towards Bangladesh. ASI Amalendu Mahato fell down and to save his life and his arms, he fired from his “Insas” Rifle for self defence, resulting - to injuries to two persons (2) and cause death to one Mohim Molla (22 yrs), S/o. Sajauding Molla of Dahar Konda, P.O., - Hakimpur, P.S. Swarup Nagar, Dist. North 24 Parganas. Over this incident Swarup Nagar P.S. C/No.59/13 dated 29.01.13 u/s 147/148/149/186/188/353/333/323/325/307/413/414 IPC started.”

A detailed report called for by the WBHRC, was submitted by the S.P., North 24 Parganas along with copies of all relevant documents on 05.09.14.

During enquiry, the enquiring officer, Sri Avijit Banerjee, the then SDPO, Basirhat, North 24 Parganas, found that deceased Mohim Molla had died during an encounter with BSF Bithari BOP, Swarupnagar on the night of 28.01.13 on the basis of a complaint by Abu Hossain Sardar, Swarupnagar P.S. Case No. 111/13 was started u/s 325/326/304 IPC. The complainant’s son was injured in the incident. Two BSF personnels seized 05 cattle, & sharp cutting weapons from the spot.

In this reference Swarupnagar P.S. UD Case No. 1/13 was started and on P.M. – the opinion in the report was that “Death was due to severe hemorrhage shock due to bullet injury ante mortem and homicidal in nature.”

The **P.M. Report** shows that the deceased had the following fatal injuries:-

- (1) Three wound of entry of Bullet found over **back of** left upper posterior chest.
- (2) Wound over occipital area (1½” x ½”)
- (3) Blood clot in chest cavity.

Inquest Report (Magisterial) shows that the injuries on the deceased were as follows:-

- (1) 1” hole injury found on left side of armpit, another 1/2 “hole **back side** (left)
- (2) One injury at right knee.
- (3) One injury **back side of head.**

It was further stated by S.P., North 24 Parganas in his report dt. 27.07.13 that investigation in both the case and counter case are under investigation.

The Commission on observing that the injuries were on the back side of head (Inquest Report) and over back of left upper posterior chest (P.M. Report) held that the injuries were **not caused in “self defence”**.

Thus considering the provision of Section 19 of The Protection of Human Rights Act, 1993, and Jurisdiction, the case was transmitted to the National Human Rights Commission on 22.12.14.

Sd/-
Shampa Dutt (Paul)
Registrar
WBHRC
09/01/15