

WEST BENGAL HUMAN RIGHTS COMMISSION  
PURTA BHAVAN, SALT LAKE, KOLKATA – 91

File No. 2872/WBHRC/Com/2004-05  
44/WBHRC/IW/2004

Petitioner: Smt. Krishna Chatterjee

A complaint dated 30.04,2004 of one Smt. Krishna Chatterjee of 28, Abdul Latif Street, Kolkata – 700 056 was received at the office of this Commission on 04.10.2004. In the said complaint it was alleged that the complainant's husband Barun Chatterjee aged about 50 years left his residence on 27<sup>th</sup> September, 2004 and did not return. His family members tried to find him throughout the night and when in the morning they were talking to few persons in the locality about lodging a missing diary, at that time police came and informed the members of the family that the husband of the complainant had suffered an accident and took them to Belghoria Police Station. When they reached the P.S. they were informed that the complainant's husband had committed suicide.

The complainant further alleged in her complaint that they could not believe the story of suicide as made out by the police.

It has been further alleged that her husband was detained in the lock up and no official information was sent to the members of the family or to her also. She was also not informed regarding any allegation against her husband and as to why he was detained.

It has been further alleged that her husband was murdered by way of physical torture and a story of suicide was made out later by the police. They wanted to lodge a F.I.R. against police officials of Belghoria P.S. but that was refused by the police authority. Subsequently due to pressure from media and local people a complaint signed by the

complainant's daughter could be lodged. Complainant prayed before the Commission for Magisterial enquiry, and to find out the truth and for taking appropriate action against those who are involved in such inhuman affairs including the police officials. A copy of the said F.I.R. lodged by the daughter of the complainant was also annexed to the petition filed before the Commission.

On 05.10.2004, the Commission directed the A.D.G. (Investigation Wing) of S.H.R.C. to conduct an enquiry & report in the said matter.

The A.D.G. & I.G.P. (S.H.R.C.) on completion of enquiry gave his opinion as

“in my opinion, the Police Officer failed in –

- a) issuing Memo of Arrest.
- b) Informing the next of kin post arrest.
- c) Having the deceased medically examined subsequent to his arrest.
- d) S.I. J. Chakraborty who was responsible for the arrest of Barun Chatterjee had obviously ignored the requisite requirement pertaining to an arrest and is therefore responsible for gross negligence.
- e) From the available statement of witnesses, it appears that Barun Chatterjee, who is known to be an alcoholic otherwise, was possibly not in a state of severe drunkenness when he was arrested for which his name and address could not be ascertained by S.I. J. Chakraborty. It appears that the story was concocted to cover his lapses noted above. It further appears that the seizure of a liquor bottle from Barun Chatterjee is nothing but a story to lend credibility to the version by S.I. J. Chakraborty and the Seizure List pertaining to

the seizure of liquor bottle from Barun Chatterjee appears to be a doctored one.

- f) As it appears from the statement of Lady S.I. Krishna Das, who was the Duty Officer at Belghoria P.S. on the relevant date and time, the entire General Diary Book of the Police Station was changed under the instruction of the then Inspector-in-Charge of Belghoria P.S., Shri A. Sinha Roy (since retired). This resulted in gross and apparent mistake in noting of incidents in chronological order as revealed during investigation from this end by Inspector A. K. De. Retired Inspector A. Sinha Roy in his capacity as I.C., Belghoria P.S. was responsible for falsification of records and doctoring the General Diary Book of the Police Station subsequent to the death of Barun Chatterjee in the lock up of Belghoria P.S., in order to cover the lapses.”

On 11.01.2007 considering the said report of A.D.G. (S.H.R.C.) the Commission summoned S.I. J. Chakraborty (Arresting Officer), S.I. Krishna Das (Duty Officer) and Sri A. Singha Roy (I.C.) now retired, for hearing before the Commission on 03.05.2007.

Considering the statements of the said police officers, the Commission observed that it appears that Barun Chatterjee was arrested during puja as usual pre-puja anti rowdy drive raid although the reason for the arrest is doubtful. The Police Officer failed in issuing Memo of Arrest, inform the matter to the next of kin after arrest and also to medically examine him subsequent to his arrest. The Arresting Officer, S.I. J. Chakraborty was responsible for not issuing of Memo of Arrest. Although Shri Ashok Singha Roy, I.C., Belghoria P.S. committed some gross and serious acts of misconduct as appears from his statement made before the Commission yet there is no scope to proceed against him since he has retired. Lady S.I. Krishna Das categorically stated that

the entire recording the General Diary was changed under the instruction of the then Inspector-in-Charge of Belghoria P.S., Shri Sri A. Singha Roy since retired. Therefore, Shri Sri A. Singha Roy was responsible for falsification of records and for changing of General Diary and for certain incorrect records in place of the original and thereby committed serious misconduct resulting in serious damage to the public records for which, even though, he is retired, appropriate criminal action should be taken against him. Lady S.I. Krishna Das also cannot avoid her responsibility simply taking the plea that the General Diary of the Police Station was changed under the instruction of the then Inspector-in-Charge of Belghoria P.S., Shri Sri A. Singha Roy.

Finally the Commission held that the said three officers by their acts and misconduct committed serious wrong offences and caused serious violation of human rights for which appropriate action is required to be taken against them and gave recommendation that –

- (a) Departmental proceedings be initiated against S.I. Jyotirmoy Chakraborty and Lady S.I. Krishna Das, who were posted at Belghoria Police Station at the relevant time.
- (b) Criminal proceeding be initiated against I.C., Belghoria P.S., Shri Ashok Singha Roy, since retired, for falsification of records and documents and changing of recording in the General Diary.
- (c) Compensation to the tune of Rs. 75,000/- (Seventy five thousand) only be paid to the heirs and legal representatives of the victim Barun Chatterjee which may be subsequently be realized from all the Police Officers on pro-rata basis.

The Recommendation on being sent to the Govt. was accepted and relevant proceedings have been drawn up against the concerned police officers as directed and compensation as directed has been paid to Smt. Krishna Chatterjee, widow of Barun Chatterjee, on 8<sup>th</sup> October, 2010. Belghoria P.S. Case No. 237/2010 registered against Sri. Ashok Singha Roy, former Inspector-in-Charge has now ended in Charge-sheet being No. 361 dated 17.08.14 as intimated to the Commission by the Govt. vide letter dated 13<sup>th</sup> April, 2015.

Sd/-  
Shampa Dutt (Paul)  
Registrar  
WBHRC

Date: Wednesday, August 12, 2015