

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

File No. 1208/WBHRC/Com/2011-12

Petitioner : Manowara Bibi

The complainant Manowara Bibi filed a petition before the Commission on 06.02.12. It was alleged in the said petition that while her husband Motiur Rahaman was in the police custody, the I.O. and other police officers crushed the middle finger of his left hand. Her husband was also assaulted by the police officers on different parts of his body, it was further alleged. It is also stated in the petition that when her husband was produced before the Court of Ld. ACJM, the injuries of her husband were to him for which the Ld. ACJM issued show cause notice upon the concerned police officers.

After taking cognizance, DG of this Commission was directed to cause an enquiry and submit his report. Accordingly, the report was submitted.

On perusal of the said report, the Commission examined Sri Sisir Roy, Dy. S.P., Coastal Police who was Dy. CID, WB at the relevant point of time and Tirthankar Sanyal, Inspector, CID, WB.

During his examination his attention was drawn to the order of Ld. ACJM, Haldia dt. 29.12.11 wherefrom it appeared that Ld. Magistrate noticed some visible injuries on the hand of the accused person for which Ld. ACJM wanted explanation from the IO but the IO remained silent. Accordingly, Ld. ACJM directed the IO to show cause as to why contempt proceedings should not be initiated against him. At this, Sri Sisir Roy stated before this Commission that he was not aware of the order passed by the Ld. ACJM dt. 24.12.11. Similarly the evidence of Motiur Rahaman, the alleged victim and the husband of the petitioner made before the Investigation Wing of this Commission was drawn to the notice of the witness wherein Rahaman stated that on 16.12.11 at about 10.30 p.m. Sisir Roy and others has assaulted on his face, back and legs and he (Sisir Roy) had crushed his left hand nails and middle finger under the leg of his chair to get his confessional statement. Sisir

Roy denied that he had assaulted Motiur Rahaman. Thereafter the attention the witness was drawn to the medical report in the file and he stated as below:

“I admit that the medical reports do indicate that injury on left hand index, right and middle fingers and bridge of the nose. The medical report also shows that the accused was referred to SSKM Hospital for treatment and was also sent for ECG. The medical report also shows that the accused person was treated continuously for more than two weeks.”

The medical report for the treatment of Motiur Rahaman in Haldia Sub Divisional Hospital on 22.02.12 wherein he was ultimately advised for removal of nail of left hand index finger. But Sisir Roy stated that he does not know whether the injuries were serious or not. The attention of the witness was also drawn to the evidence of the petitioner, Manowara Bibi made before the Investigation Wing of this Commission wherein she stated that when she met her husband in Haldia Court on 29.12.11 when her husband stated about the injuries on his left hand fingers caused by the CID officers. At this the witness stated that he had no comments in the matter. The witness denied all the imputations made in the report of the ADG of this Commission, as he then was. It is admitted by him that Motiur Rahaman was in CID custody from 14.12.11 to 28.12.11. Ultimately he stated that he came to learn that the accused person sustained injuries from a door hinge while he remained in CID custody.

The Commission considering the materials & evidence on record held that the injuries were caused while the accused was in police custody. Medical papers submitted showed that the prolonged treatment for the injured finger of the husband of the petitioner went on even at SSKM Hospital and ultimately removal of stump from index finger had to be made.

Accordingly, the Commission held that –

“Thus, it is clear from the above discussions that the rights of Sk. Motiur Rahaman were blatantly violated while he was in police custody and there is stringent observation of the Ld. Magistrate in his order dt. 29.12.11 when the husband of the petitioner was produced before him.

The Commission, therefore, recommends that a sum of R. 50,000/- be paid to the victim Sk. Motiur Rahaman, the husband of the petitioner as compensation for the violation of his human rights at police custody.

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

Vide letter dt. 03.06.15, the Commission was informed that the Govt. has accepted the recommendation of the Commission by taking action to make payment of compensation. The Govt. on examining all reports has suo-motu decided to initiate Departmental Proceeding against Sri Sisir Roy, Deputy S.P., CID, W.B.

Sd/-  
Shampa Dutt (Paul)  
Registrar  
WBHRC