



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

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SRB/Case 2344 /2011-12

Name of the complainant : **Vikas Kachur Ahivale**

V/s.

Superintendent of Police, Satara.

Date : **28th February, 2014**

Coram : **Justice S.R.Bannurmth
(Chairperson)**

ORDER

This is a complaint by Shri.Vikas Ahivale, President, Phaltan Press Club, District-Satara alleging illegal acts of the police on 26.04.2011 in Phaltan. It is alleged that on 26.04.2011 there were some riots and the police concerned including five named officials during the promulgation of Section 144 proceedings illegally entered the houses, assaulted students, public & women & arrested more than 100 citizens. It is alleged that in this situation on 29.04.2011, the complainant was also arrested & assaulted mercilessly by the police officials named, without any reason & provocation. As such it is prayed that action be taken against them for the illegal behaviour against the public.

In pursuance of the complaint report was called for from the concerned police and the Superintendent of Police, Satara has submitted a detailed report in this regard. In the same it is stated that on 26.04.2011 there were fights between two groups of people from Somarpeth & Mangalwarpeth area and inspite of the best efforts as the riot did not subside ultimately on 28.04.2011 extreme steps of imposing curfew has been ordered and in this regard nearly 111 persons have been

arrested. During the enquiry the Superintendent of Police has recorded the statements of the complainant and various police officers concerned. After concluding the inquiry, the conclusion of the Superintendent of Police is that no police official have either arrested or assaulted the complainant and the present complaint is filed only out of vengeance as some of the relatives of the complainant were also arrested.

On perusal of the complaint, the report of the Superintendent of Police and after hearing the complainant and the police officer Shri. Dronacharya, P.S.I and on perusal of the reports records the following facts emerged.

- (a) That there was some law & order problem in Phaltan during relevant period i.e. 26.04.2011 and in this regard on 28.04.2011 curfew was ordered and more than 100 people have also been arrested.

However, there is no much dispute about this aspect. Incidentally it is to be noted that there is no further information furnished by the concerned police as to what happened to those cases filed against the persons who had been arrested.

That apart, except mere denial that neither the complainant was arrested nor he was brought to the police station and beaten (which fact even emerged during the inquiry by the Superintendent of Police), especially in view of the prima-facie material produced by the complainant before the Commission copy of which was sent to the concerned police in the form of the photographs showing the injuries on the person of the complainant. Presence of these injuries is corroborated by the District Hospital records indicating four contusion on wrist, back, thigh and left arm of the complainant and the date of the certificate of examination of the complainant is 29.04.2011, the vary date which he has complained of being assaulted by the police. This prima-facie material in the absence of any contra-indicating material by the police does indicate that the complainant did receive

some injuries in the form of contusion on various parts. According to the medical jurisprudence contusion can be by assault with hard and blunt substance. In view of the total absence of any explanation by the police as to how these contusion occurred on the complainant, especially when this fact was brought to the notice of the Superintendent of Police during his inquiry in pursuance of the complaint to this Commission, the Commission is of the view that the complainant case of assault has to be accepted. Hence the Commission recommends as follows :-

- (a) The State Govt should instruct the police machinery to take proper care and cautions while arresting or detaining a person as per the various guidelines issued by the Apex Court in D.K.Basu Case as well as guideline issued by NHRC and follow the same strictly.
- (b) The Home Department to direct all the police officers who conduct inquiry in pursuance of the report called for by the Commission to access the evidence properly and independently & apply its mind to come to the final conclusion & not give report mechanically. Such police officers are also directed to examine few independent witness who could corroborate or otherwise the allegations of the complainant, instead of routinely recording the statement of the complainant alone and of few police officials.
- (c) In view of the un-rebutted evidence of the complainant receiving injuries, though simple, the Commission awards a compensation of Rs.15,000/- to be paid to the complainant by the State within four weeks from the date of receipt of this order and report compliance immediately thereafter.

With these recommendations proceedings are closed.

(Justice S.R. Bannurmath)
Chairperson

Mumbai.