



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

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Case No. 754/16/2006-07 / 376

Dr.
11/11/08

Name of the complainant : Smt. Wahidabanu Sayyed
Babasaheb Ambedkar Nagar, Room No.5
T. L. Waswani Marg, Colaba, Mumbai-400 005.
V/s
The Dy. Commissioner of Police
Zone-I, Mumbai.

Date : October 7, 2008.

Coram : Justice Kshitij R. Vyas (*Former Chief Justice*), Chairperson.

PROCEEDINGS

Neither the complainant nor the respondent is present at the time of hearing. However, report is already filed by the Dy. Commissioner of Police, Zone-1, Mumbai.

The complainant alleges that her son was illegally picked up by Police Inspector Shri Gulab More of Colaba Police Station on 25.8.2006 at 2.30 a.m. After following the police party and enquired as to what crime had been committed by her son, she was allegedly insulted and abused by the said Inspector. Later, when she visited Police Station about enquiring her son, it is alleged that Inspector More pushed her and beat her with a belt and bamboo. She, therefore, filed this complaint.

In reply filed by the respondent while refuting the allegations made by the complainant, it is submitted that the complainant's son was wanted in an offence of attempt to murder. He was picked up in connection with the said offence and taken in custody for enquiry. By making counter allegations against the complainant, it is pointed out that the complainant had lost her mental balance at the Police Station and started abusing and threatening Inspector Shri More. She even pushed the Inspector causing injuries to his finger. For that separate offence has been registered against the complainant and it is subjudice before 37th Magistrate Court for the alleged offence under Sec. 324. 506 IPC. It was, therefore, submitted that the complainant has made this complaint to seek revenge for having picked-up her son.

Having gone through the allegations made in the complaint as well as the report submitted by Dy. Commissioner of Police, Zone-I, I found some substance in the allegations made in the complaint. As stated above, it is alleged by her that she was insulted and abused by Police Inspector Shri Gulab More when she followed the police when her son was apprehended on 25.8.2006. She has also alleged that on 28.8.2006, when she visited Colaba Police Station to enquire about her son, she was beaten with belt and bamboo. Her version is supported with medical certificate produced by her issued by J. J. Hospital, Mumbai. The medical case papers show that she was immediately treated at the hospital after the incident. While giving the history of the case she has alleged assault by Inspector More today with belt at 6.30 a.m. Doctor found injuries, pain, swelling on right hand finger movement restricted, X-ray of right hand was also taken. Nothing is stated about the injuries sustained by her, supported with medical certificate in the report.

The complainant being the mother, is naturally interested to know as to for what offence her son was picked up. It is quite understandable that she might have created scene at the Police Station, but that would not give the license to the Police Inspector Shri More to beat her with belt and bamboo. The Police Inspector Shri More instead of helping the lady by explaining true facts also booked her for the alleged offence under Sec. 324, 506 and filed charged sheet before the court. Taking over all view in the matter, it appears to the Commission that the Police Inspector Shri Gulab More committed breach of human rights of the complainant by assaulting and causing injuries to her. In the opinion of the Commission this is a fit case where some enquiry against Police Inspector Shri Gulab More is necessary.

The **Commission therefore recommends the Commissioner of Police, Mumbai** to appoint appropriate officer to initiate appropriate Departmental Enquiry against Police Inspector Shri Gulab More of Colaba Police Station, in view of what is observed hereinabove and take appropriate action. The Departmental Enquiry may be initiated and completed as early as possible ~~and~~ and in any case not later than **15th January 2009**. The compliance report may be filed **15 days** thereafter.

With the above recommendation, the complaint is disposed off.




(Justice Kshitij R. Vyas)
Chairperson.

Mumbai; October 7, 2008.