



# MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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## **Case No. – 1726/2013-14**

Name of the complainant : **Shri. Nagesh Rajebhau Kavtekar**  
R/o Shivaji Nagar, Hingoli  
Tal & Dist- Hingoli

Vs.

Name of the Respondent : **The Superintendent of Police**  
Hingoli

Date : **14<sup>th</sup> July 2016**

Coram : **Justice S. R. Bannurmath, Chairperson**

## **ORDER**

This complaint by Shri. Nagesh Rajebhau Kavtekar resident of Shivaji Nagar, Hingoli is in respect of the alleged illegal arrest and assault on the complainant by Shri. Sagar Babasaheb Ingole – the then Police Sub Inspector of Hingoli Police Station. It is alleged that on 16.02.2013 at about 9.30 a.m. when the complainant was in his house the said Police Sub Inspector Sagar Ingole and one Lady Constable came to his house and started inquiry about the complainant's parents who were suspects in a criminal offence. It is stated that when the complainant informed them that his parents are not at home the Police Sub Inspector forcibly took the complainant in the police vehicle brought him to the Police Station and assaulted in on his back, hand and buttocks. This was witnessed by his maternal Uncle Shri. Narayan Khalse. As the Police did not get any information or clue he was let off. Immediately thereafter as the

complainant suffered injuries at the hands of the said Police Sub Inspector he has given written complaint on the same day to the Superintendent of Police but neither he was medically got examined nor any action was taken. As such the complainant himself went to the Civil Hospital, Hingoli for treatment. In this regard he has produced the discharge card issued by the Civil Hospital showing certain contusions on his person. It is stated as the action of the concerned Police Official forcibly taking him to the Police Station and assaulting him in the Police Station and further inaction on the part of the Superintendent of Police to take action on his complaint of assault by Police lodged with Superintendent of Police, amounts to violation of his human rights, he is approaching the Commission.

On receipt of the complaint report from the Superintendent of Police, Hingoli was called for. On perusal of the report it is seen that no doubt it is admitted that the complainant and his maternal Uncle were taken to the Police Station to make inquiry regarding his parents who are accused in Crime No. 12/2013 and were absconding and as no information could be gathered the complainant was let off. It is stated that in this regard the Superintendent of Police had made inquiry with the complainant, his family members and the concerned Police Officials and has found that the allegations of illegal detention or physical assault are false.

Today when the matter is taken up for hearing, the complainant as well as Shri. Shaikh Lal Ahmed - Police Sub Inspector of the Hingoli Police Station are present.

After hearing both the sides and on perusal of the records submitted both by the complainant and Superintendent of Police along with

the report, at the outset the Commission notes the apathy on the part of the Superintendent of Police. When this Commission calls for the report from the Superintendent of Police, he is expected to hold inquiry by himself including recording of the statements of the complainant and others and give his independent opinion. In the present case this was entrusted to one Police Inspector Shri. Sangle, who has recorded the statements and given his own conclusion discarding the statements of complainant and his witnesses as 'interested'. Even for a moment this is accepted, the Commission finds that the documentary evidence also corroborates the complainant's version rather than the Police version.

In this regard the complainant has produced the complaint given by him to the Superintendent of Police on 16.02.2013 itself complaining about the assault on him by the Police Sub Inspector Shri. Sagar Ingole. But it appears no further action has been taken. On the other hand the discharge card of the Civil Hospital Hingoli clearly show that on 16.02.2013 the complainant was admitted and examined. The Doctor has recorded three contusions on wrist joint, contusion of back as well as contusion on buttocks, which exactly correspond to the assault description given by the complainant. It is important to note that immediately after noting these injuries as it was a medico legal case in fact report was sent to the concerned Police Station at 6.30 p.m. as is evident from the Police Station diary entry No. 48 dt. 16.02.2013. At this stage itself it is to be noted that though the concerned police station entries show that the said PSI Ingole had left the Police Station at 3.30, there is no entry to show that the complainant and his maternal uncle were brought to the Police Station for inquiry. None the less this pales since the Police have admitted that the

complainant was brought to the Police Station inquired and let off. The inquiry report prepared by Shri. Sangle Police Inspector and submitted to the Superintendent of Police also shows non application of mind and an attempt to protect the Police Sub Inspector Shri. Ingole by the act of brushing aside the material evidence regarding the assault on the complainant.

Taking into consideration all these aspects the Commission is of the view that the allegations of the complainant of violation of his human rights by the Police Sub Inspector Shri. Ingole are proved and the report of the Superintendent of Police is contrary to their records themselves. In view of this the Commission makes following recommendations:

- A) The Director General of Police is directed to enlighten all the Superintendent of Police in the State as to the proper way of holding inquiry in respect of the report called for by this Commission.**
- B) The Superintendent of Police or his immediate subordinate Dy Superintendent of Police has to hold inquiry by himself and not entrust the same to either Police Inspector or Police Sub Inspector. The report should be given after application of mind i.e. after going through the entire records and statements before him and give his independent findings.**
- C) As the Commission finds the complainant was assaulted by said Police Sub Inspector Shri. Sagar Ingole though causing contusions (simple injuries) proper departmental action may be taken against the said officer.**

**D) In the light of the finding of the Commission of violation of human rights the State is directed to pay a compensation of Rs.25,000/- to the complainant within four weeks from the date of receipt of this order and report compliance within two weeks thereafter.**

With these recommendations the case is closed. Ordered accordingly.

**(Justice S. R. Bannurmath)  
Chairperson, SHRC**