



# MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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## Case No. – 1755/2012-13

Name of the complainant : Suresh Kisanrao Bibane  
R/o. Dattapur, Post Devulghat  
Tal. Dist Buldhana

Vs.

Name of the Respondent : The Superintendent of Police  
Buldhana

Date : 23<sup>rd</sup> May 2016

Coram : Justice S. R. Bannurmath, Chairperson

## ORDER

This complaint by Shri. Suresh Kisanrao Bibane resident of Dattapur, Buldhana is in respect of alleged inaction on the part of the Police Officials of Rural Police Station Buldhana. It is alleged that on 09.11.2011 the complainant was abused and assaulted by one Shri. Rajendra Rama Jadhav and others and in this regard on the same day mother of the complainant approached the Police Station and though the complainant who was injured was sent to Hospital wherein he was inpatient for three days, no complaint was registered or action taken. Thereafter when the complainant himself complained about the same it is on 22.01.2013 a case was registered. As such there is a delay of nearly two years in registering a complaint.

Taking into consideration the inaction or negligence on the part of the concerned police officials which is a serious violation of human rights, the Commission called for the report from the Superintendent of Police, Buldhana and the same has been filed along with records.

After hearing the matter and by going through the records at the outset it is to be noted that even according to the enquiry made by the Superintendent of Police, Buldhana, it is prima facie found that there was inordinate delay in registration of a case on the information of complainant's mother, that too in a serious case of assault on the complainant resulting in injuries to the head for which the complainant was hospitalized. On enquiry the Superintendent of Police has found the Police Head Constable Subhash Umbarde as negligent in the inaction. It is reported that the material disclose that there was an inordinate delay of 13 months in registering the case and further the said Head Constable had withheld the medical reports of the complainant by keeping it with himself. This finding of the Superintendent of Police clearly shows there is a deliberate attempt on the part of the said Police Head Constable which is apparently a partisan act and probably colluding with the culprits. No doubt the report of the Superintendent of Police shows that the Head Constable has been fined for his inaction by a fine of Rs.500/-, but that does not in any way dilute the act of violation of human rights of the complainant. As such the Commission is of the view that this is a fit case to pass following recommendations:-

**A. The Director General of Police, the Home Department should take appropriate steps to educate the Police officials regarding the importance of immediate**

**registration of a case whenever the Police receive the information about an offence, in the light of Sec. 154 and 155 of Cr PC and various judicial pronouncements in this regard.**

**B. Since the inaction, apathy / deliberate attempt on the part of the said Head Constable in the delay of registration of a case, withholding material evidence, would affect the merits of the case of the complainant, the Commission deems it fit to award an interim compensation of Rs. 10,000/- to be paid by the State. Apart from the same as the Commission finds that awarding a paltry fine of Rs.500/- is not deterrent enough, directs the concerned higher officers to initiate appropriate proceedings against the said erring official.**

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