



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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Case No. – 4183/2013-14

Name of the complainant : Rajaram Maruti Kalukhe
R/o. Buvasaheb Nagar Kolki
Tal. Phaltan, Dist. Satara

Vs.

Name of the Respondent : The Superintendent of Police
Satara

Date : **22nd August 2016**

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

ORDER

This complaint by Shri. Rajaram Maruti Kalokhe r/o. Kolki, Dist. Satara is in respect of the alleged illegal detention of his brother by name Arjun Maruti Kalokhe and son of the complainant Sandesh Rajaram Kalokhe on 12.11.2013 by the Phaltan Police Officials by name Shri. Rajendra More - Police Inspector and three Police Constables. It is alleged that one Shri. Vilas Jadhav had filed a complaint against the complainant, his brother and son and another complaint against Sandesh Rajaram Kalokhe. Both these complaints were registered as NC cases 788/2013 and 790/2013. It is alleged that though these were non cognizable cases, the brother and the son were detained illegally in the Police Station and were also assaulted inhumanly. Hence, alleging violation of human rights the present complaint is filed.

In this regard report from the Superintendent of Police, Satara was called for and on 20.05.2014 a detailed report along with records has been filed. No doubt the Superintendent of Police has held a detailed inquiry by recording the statements of various persons and Police Officials and has submitted that on going through the statements as well as after looking into the station diary, arrest register etc. prima facie it does not appear that aforesaid persons were in the lock up and it is stated that since the complainant did not co-operate with the inquiry it appeared to the Superintendent of Police that he has no more interest in this complaint.

The copy of report was sent to the complainant and he has filed his reply / rejoinder. Since pleadings are complete, matter was taken up for hearing and in the meanwhile the Spl Inspector General of Police, Investigation Wing, MSHRC was also directed to look into the entire case and submit a confidential report to the Commission. The Investigation Wing, MSHRC has once again looked into the records and also recorded statements of all the concerned persons.

Today when the matter was taken up for final hearing the complainant and Shri. Ramesh Chopade – SDPO are present and heard them.

On going through the entire records including the statements recorded during the inquiries by the Superintendent of Police and Sp. Inspector General of Police, Investigation Wing, MSHRC, following facts emerge for consideration.

- a) Though as per the report of the Superintendent of Police since only NC cases were registered against the brother and son of

the complainant there was no question of detention in the lock up on 12.11.2013. The Superintendent of Police in his report has stated that he has verified the Station Diaries, Arrest Register and other documents which also do not show any such arrest or detention.

- b) On the other hand the records especially the station diary, the statement of the then Asst. Police Inspector - Shri. Ware is directly contradictory to the reports submitted by the Superintendent of Police.
- c) Shri. Ware – the then Asst. Police Inspector has in his statement dated 06.01.2014 during the inquiry by the SDPO has stated that on 12.11.2013 when he was in Police Station neither Arjun Kalokhe and Sandesh Kalokhe were in the lock up. Further he has stated that on that day at about 8.00 p.m. when he was present in the Police Station a Constable by name Giri produced Sandesh R Kalokhe as he was creating public nuisance and after warning him he was let off. So far as Arjun Maruti Kalokhe and Rajaram Kalokhe (stated to be Rajendra in the statement) is concerned a Chapter case 254/2013 was registered on 13.11.2013 and he was also never arrested. The lock up register as checked by the Superintendent of Police does not show any person being in the lock up. But surprisingly, the latest statement given by said Shri. Ware on 18.02.2016 before the investigation wing of the Commission it is stated that “on 13.11.2013 at about 4.10 a.m. when he came to the Police Station and checked the lock ups he found one person and on inquiry he was stated to be Shri.

Arjun Maruti Kaloke and further he had stated that since an NC case is registered against him. A Police Constable by name Shri. Hole had put me in the lock up”. This statement of finding a person in lock up is found place in station diary.

These facts and documents especially the station diary and the statement of the Asst. Police Inspector Shri. Ware clearly shows that said Arjun Maruti Kalokhe brother of the complainant was in the lock up on 13.11.2013 at about 4.10 a.m. it is relevant to note that both the NC cases No. 788/2013 was registered at 1325 hours and NC no. 790/2013 was registered at 1905 hours. As such the allegations of the complainant that his brother was illegally detained in an NC case which is corroborated by the Station Diary entry and the statement of Asst. Police Inspector Shri. Ware have been fully corroborated.

On going through the entire records the Commission finds that there was an illegal detention of Arjun Kalokhe on 12.11.2013 and till early morning of 13.11.2013 when the Asst Police Inspector Shri. Ware had visited the lock up and made entry in this regard. No doubt there is no material so far as the son of the complainant is concerned and also no material as to the illegal assault by any Police Officials, but the allegation of illegal detention of Arjun that too in an NC case is established beyond doubt.

The Commission finds this act of illegal detention of Arjun is definitely a case of violation of human rights and hence following recommendations are being made:

- A) The Director General of Police should take steps to instructing all the Police Officials in charge of the Police Station to note meticulously the factual details of persons in the lock up every day and the Superintendent of Police or Dy. Superintendent of Police be directed to check the arrest register, lock up register at least once in a week and make meticulous factual entries in this regard.**
- B) In view of the finding of the Commission that Shri. Arjun was illegally detained appropriate action should be taken against the Police officials concerned present on duty on 12.11.2013 and 13.11.2013.**
- C) In view of the finding of illegal detention and thereby violation of human rights of Arjun Kalokhe, the Commission awards an interim compensation of Rs. 25,000/- to be paid to the victim by the State within four weeks from the date of the receipt of the order and file action taken report within two weeks thereof.**

With these recommendations case is closed. Ordered accordingly.

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