



# MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Terminus (VT), Mumbai - 400 001

Tel : 2207 8962, 2205 0791 Fax : 2207 8962 Website : <http://mshrc.maharashtra.gov.in>

## Case No. – 4488/2012-13 and 4581/2012-13

Name of the complainant : Vilas Samadhan Ingale  
R/o. At Post Hata, Tal. Balapur  
Dist. Akola

Devlal Shriram Wankhede  
R/o Dapura, Post- Manabda  
Tal- Telhara, Dist- Akola

Vs.

Name of the Respondent : The Superintendent of Police  
Akola

Date : 8<sup>th</sup> March 2016

Coram : Justice S. R. Bannurmath, Chairperson

## ORDER

In continuation of the proceedings dated 14.10.2015 the matter was adjourned today to find out as to the steps taken by the concerned officers against the then Asst. Sub Inspector Shri. Suresh Magar and Shri. Sabe – Police Constable who alleged to have assaulted the complainant Shri. Vilas Samadhan Ingale. Today report from the Addl. Superintendent of Police, Akola is filed interalia now stating that in the incident dated 04.01.2013 when the Police Officials had gone to the victim to implement the prohibitory order as noted in NC Case 6/2013 the said Vilas Ingale and his relatives obstructed the concerned Police Officials from carrying out their duty and even grappled with the Police Officials and as they were resisting to come to the Police Station, the Police had to use mild force and

bring them. It is stated that a case No. 2/2013 for the offences u/s. 353, 294, 506, 504 r/w 34 IPC has been registered against the victim Vilas Ingale and others. It is concluded that since it was the victim who was responsible for his misbehavior and conduct, the concerned Police had to use mild force and as such no action is intended to be taken against the erring Police Officials.

After perusing all the records produced by the victim and the Police Officials, the question as to whether it was the victim whose misbehavior resulted in Police Officials using mild force has to be considered.

At the outset one thing is clear that there was some force used on the victim as admitted in the report. Whether the same was due to the alleged grappling with the Police Officials by the victim and his people forcing the Police to use force to bring him to the Police Station and register case against him is required to be considered. In this regard, in order to see who is the aggressor, if one looks into the medical reports of both the victim and the Police Constable Shri. Sabe who is stated to be assaulted, the contention of the police Officials appears to be farfetched. Though there are no injuries due to the alleged grappling or assault by the victim except a medical certificate shown that he had a sprain in the right ankle, that by itself will not show it was as a result of any physical assault by the victim. On the other hand the photographs of the victim produced in the complaint and more importantly the medical certificates which corroborate the injuries on the buttock and arm of the victim. In the MLC register it is clearly mentioned that these injuries viz. the contusion measuring by 5" x 5" on both the buttocks, (visible in the photographs) are due to blunt and hard

substances. No doubt the Police Officials tried to take shelter on the basis of probable age of the injury which is only an opinion of a Doctor and will not substantiate or nullify the factual position.

Time and again the Hon'ble Supreme Court of India, Human Rights Commissions have repeatedly cautioned the Police from using physical forces, more than necessary. In the present case by looking into the comparative statements of both the sides, the Commission finds that the concerned Police Officials have exceeded the use of physical force causing visible injuries on the victim. And as such this is a clear case of violation of human rights of the victim.

Though unfortunately today the victim is no more, the violation of his human rights cannot be ignored by the Commission and as such makes following recommendations.

- A) The State (Home Department) shall strictly sensitize all the Police Officers regarding the guidelines laid down by the National Human Rights Commission as per the communication No. 7/11/99-PRP & P dated 22.11.1999 in respect of pre-arrest, arrest and post arrest precautions to be taken including as a rule of use of force to be avoided while effecting arrest and in case of forcible resistance to arrest minimum force to be used avoiding injuries (visible or otherwise) to the person who is being arrested.**
- B) Since the Commission finds that even accepting the Police contention that some force was used while arresting the victim, but as it is exceeding the necessary mildness as is**

clear from the medical certificates and photographs, Commission deems it proper to direct the concerned to take appropriate action against the said erring officers if available.

- C) In the circumstances, the Commission deems it proper to award a compensation of Rs. 50,000/- to be paid by the State to the legal representatives of the deceased victim Vilas Ingale within three months from the date of receipt of this order and report compliance within two months thereafter.

(Justice S. R. Bannurmath)  
Chairperson, SHRC