



## MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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SHRC/VGM/01/2010/ 21

Date: 5<sup>th</sup> January 2010

### Case No. - 216/1/2005-06

Name of the Complainant : Arjun Hariba Sawant  
Dhokrai (Joshi Vasti)  
Tal Shrigonda, Ahmednagar

Vs.

The Superintendent of Police  
Pune (Rural)

Date : 23 December 2009

Coram : Justice V G Munshi, Member

## ORDER

Read the averments made in the complaint and Report received from Addl Superintendent of Police, Pune (Rural). Read the case papers.

2. The important facts of the case of the complainant may be briefly stated as under.

The complainant is resident of Dhokrai, Tal. Shrigonda. He resides their along with his sons and other family members. That on 22.02.2006 his sons Ramesh and Bhima (deceased) at about 2.00 to 2.30 p.m. were taking meals in their house. At that time Vilas Limbaji Sawant (relative of Bhima) came there and taken away with him Bhima and thus, they both left that place. The complainant and his family members awaited the arrival of Bhima till 6.00 p.m. and then they made inquiry about Bhima from Vilas. Vilas replied that, he did not know anything about Bhima and left that place.



3. The complainant mentions that then Ramesh went out of house in search of Bhima and went near the well. He found foot wear of Bhima and other articles on the bank of the well. Number of persons including the complainant gathered the well. The complainant given report in Police Station on the same day. Vilas absconded from the village. The dead body of Bhima was taken out of well on next day in morning. Police completed all the formalities and autopsy was held on the dead body. The complainant alleged that Vilas Sawant and his son Govind committed murder of his son Bhima. It was alleged that these persons administered liquor to Bhima and then pushed him in the well and thus, committed his murder. The Police did not take any action and therefore, he moved the Commission for necessary action in this matter.

4. The Respondent Addl Superintendent of Police, Pune (Rural) by filing their report denied and disputed all the allegations made in the complainant. According to them the complainant was present all the while but did not make any such complaint and made present complaint with malafide intention and motive and that too after 30 days of the happening of the incident. Therefore, they did not take any action in this matter.

5. That on 23.02.2006 at about 2.00 p.m. in the noon Bhima fell in the well and died. There is no scope for doubt that Bhima fell in the well and died unnatural death. It is the case of the complainant that Vilas Sawant and Govinda committed murder of his son Bhima and he died homicidal death. On the other hand the Respondent has come with another case that Bhima that on 23.02.2006 during noon time under the influence of liquor slept near the well and fell in the well as an accident and thus, died accidental death. On this background we have to view the case of the complainant.

6. Firstly, according to Respondent Police, that complainant after 30 days given such complaint of homicidal death of his son. It appears that therefore, Police did not make any further investigation in this A.D. no. 11/2006 registered under Sec. 174 Cr PC in Police Station Shikarpur. On 25.02.2006. Whether there was delay or abnormal delay in lodging report in Police Station and all such other aspects are to be heard and decided by the Court and not by the Investigating Officer. In other words, Court alone can decide whether delay is fatal to prosecution case. Secondly, the report of CA shows that Ethyl alcohol was detected in vicera. The report filed by the Respondent is incomplete. Cause of death or final cause of



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death is unknown. **Thirdly**, according to the complainant pair of foot wear, comb, cash of Rs.11/- was found near the well. In other words, according to the complainant this situation does not support the case of the accidental death. Moreover, spot panchnama was not filed on record. **Fourthly**, for want of inquest panchnama and post mortem report on record, it is not known whether injuries were found of the person of the deceased.

All the circumstances brought on record do not show that proper investigation was made in this matter. It certainly caused great injustice to the complainant.

7. I am therefore of the opinion that investigation afresh is necessary in this matter. I make following recommendations.

- (A) Additional Superintendent of Police, Pune (Rural) to make investigation in this Case A.D.No. 11/2006 registered in Police Station, Shikrapur afresh in view of the observations made above and to take further action according to law at early date.
- (B) Copy of this order be sent to Addl Superintendent of Police, Pune (Rural) through Secretary State Human Rights Commission, Mumbai for information and necessary action and compliance be reported.

With these recommendations and observations Case No. 216/1/2005-06 is disposed of accordingly.



*V. G. Munshi*

(Justice V G Munshi)  
Member, SHRC