



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Terminus (VT), Mumbai - 400 001
Tel : 2207 3434 Fax : 2207 3434, 2209 2857 Website : <http://mshrc.maharashtra.gov.in>

SHRC/VGM/08/2010/ 2288

Date: 8 August 2010
Sept

Case No. – 5086/2007-08

Name of the complainant

: Suresh Nivrutti Desai

187, Shanivar Peth, Mullik Lane
Karad, Dist. Satara.

Vs.

The Superintendent of Police
Satara (Rural)

Date

: 23 August 2010

Coram

: Justice V G Munshi, Member

ORDER

Read the averments made in the complaint and the report received from Respondent Superintendent of Police, Satara.

2. The complainant is resident of given address. He served as a teacher in Shree Shivaji Education Society Karad since 01.08.1992. From 15.06.1994 the complainant worked in Shree Shivaji Vidyalaya Karad. He did service up to 10.05.1999. He did file present complaint against 13 persons. The Respondents No. 1 and 2 are the Presidents while Respondents No. 3 to 11 are the Directors of Shree Shivaji Education Society Karad. Respondent No.12 is Auditor of the Society. While Respondent No.13 is the Clerk working in the College.

3. The complainant made following allegations in this complaint.



- (i) **Firstly**, that on 25.12.2007, Police from Karad Police Station did not register offence though it was of serious nature against office bearers of Shree Shivaji Education Society Karad and thereby compelled the complainant to file criminal case in Court and to bear expenses.
- (ii) **Secondly**, action should be taken against the office bearers of the said society.
- (iii) **Thirdly**, they all have joined hands with Police and exercise pressure on Police.
- (iv) **Fourthly**, investigation in the offence registered under the orders of the Magistrate, should be done by the competent and impartial officers of Crime Branch.
- (v) **Fifthly**, that on 21.12.2007 the complainant submitted 70 documents before Police. However, he was not given its acknowledgment.
- (vi) **Sixthly**, the Police tried to suppress the truth and did not submit correct report to Court.

Thus, the complainant claimed action for corruption, mismanagement etc against all these persons. Therefore, he moved the Commission.

4. The Respondent Superintendent of Police, Satara by filing their Report denied and disputed all the allegations of inaction etc made against them in the complaint. It mentions that investigation is still pending and report would be submitted to the Court accordingly.

5. It is necessary to mention that the complainant made one complaint in Police Station Karad for taking action against all these 13 Respondents. As Police did not take any action, the complainant on 26.12.2007 was compelled to file criminal case No. 430/2007 in the Court. The Court on 27.12.2007 did pass order under Sec. 156 (3) of Cr PC and called inquiry report from Police. Accordingly, offence at S.no. 42/200. was registered in Police Station Karad under different sections of the Indian Penal Code. Thus, the Court has already taken cognizance of this matter, passed order and called the report of inquiry.

6. Accordingly, Senior Police Inspector did inquiry and submitted report to the Court dated 23.02.2009. Now the complainant did file an affidavit and has come with a case that no proper inquiry was made in this matter. It was his grievance that the documentary evidence which he did produce on their record, was not properly considered etc. If the Investigating Officer did not carry investigation properly, then it was



R/R,HRG AND CLOSED

incumbent upon the complainant to bring this fact to the notice of the Court. In other words, the Court alone now considers all these aspects because now the matter is subjudice before competent Court. From the record it does not appear that the Court thereafter did pass any order in this matter. The complainant can very well move the Court for passing suitable orders, and he can very well bring all these aspects to the knowledge of the Court.

7. It is necessary to mention that the complainant is fighting for this cause for last number of years. It is his prayer that action should be taken against the persons who did corruption in the Society. At the same time, it is incumbent upon the Station Officer Police Station Karad to make proper investigation in this crime and to take action against the wrong doer. It was the grievance made by the complainant that no proper investigation was made in this crime. Therefore, I am of the opinion that inquiry afresh in the light of averments made in the sworn statement of the complainant, is necessary in this matter. In view of Sec. 18 of the Protection of Human Rights Act, 1993, I proceed to make following recommendations accordingly.

(A) **Superintendent of Police, Satara either himself or through Senior Officer to make inquiry afresh in this matter and to take action according to law.**

(B) **Copy of this order be sent to Superintendent of Police, Satara through Secretary – Maharashtra State Human Rights Commission, Mumbai for information and necessary action.**

With these observations and recommendations Case No. 5086/2007-08 is disposed of accordingly.

The Secretary to communicate this order to the parties concerned.



sd/-
(Justice V G Munshi)
Member, SHRC