



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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SHRC/VGM/06/2010/ 1659

Date: 22-June 2010

Case No. – 5323/2007-08

Name of the complainant : Ambadas Shinde
51, Samrat Ashok Hsg Soc.,
Kumta Naka, Solapur

Vs.

The Commissioner of Police
Solapur City

Date : 9 June 2010

Coram : Justice V G Munshi, Member

ORDER

Read the averments made in the complaint and the report received from Respondent Commissioner of Police, Solapur. Read the case papers. Heard the parties.

2. Present complaint is made by Shri Ambadas Shinde on behalf of Sanghatana against Police. It was alleged by him when the offences take place against the members of Scheduled Caste Teachers, even though report is lodged in Police Station. Police neither registered the offence nor did take any action against the wrong doers. According to the complainant it is mandatory to register offence immediately in such cases. The offence committed under Section 3 of Atrocity Act, 1989 is non-bailable and cognizable. According to the complainant it is incumbent upon the Investigation



Officer to complete investigation as early as possible and to send charge sheet in Court within 30 days. It was the grievance made by the complainant that Police deliberately avoid to register offence and to take action in such cases. The complainant referred certain cases in which Police avoided to register offence or to take action against wrong doers. According to the complainant therefore, injustice has been caused to them. Therefore, he moved the Commission for necessary action in this matter.

3. Commissioner of Police, Solapur by filing their report denied and disputed all the allegations of inaction etc. According to them they have properly taken action according to law in every case. They have given parawise reply in respect of each referred case.

4. Therefore, it is necessary to view the case in the light of facts and circumstances brought on record.

(i) Case of Shri M R Kore

The Report shows that this complainant did file case in School Tribunal, Solapur (No. 439/2004) in respect of seniority, promotion etc and this matter is subjudice before competent Tribunal. That on 17.04.2007 he gave statement before Asst Commissioner of Police (Division – 1) Solapur that he will accept the decision given by the Tribunal. The Police Inspector filed the application and thus, informed the complainant on 28.02.2008.

(ii) Case of Shri Rama Namdeo Shembade

This complainant made complaint / application that he was not taken in service for 12 years and he was not paid salary. His matter was referred to Law Officer for his opinion. He came to the conclusion that no offence was committed in this case. Therefore, the said application was filed and it was accordingly informed to the complainant.

(iii) Case of Smt Indumati Dagadu Shinde

She made complaint in Police Station Jail Road on 12.12.2007. It was mentioned that she got promotion and there was harassment from Head Master. After inquiry the Investigating Officer came to the conclusion that no offence as alleged taken place. Matter is pending in writ petition No. 29535/2007 in High Court. As the matter pertains with Education Department the application was filed.

The complainant again gave second application on 15.03.2008. The Law Officer again gave this opinion on 01.04.2008. The Report mentions



R/R,HRG - RELIEF

that Police were given direction to register offence in this case. Therefore, in this case the Police should register offence immediately and after completing investigation should file charge sheet in Court at early date.

(iv) Case of Shri Ambadas Shinde

The Report mentions that in this matter case is pending before School Tribunal and the said matter is subjudice. The Report further mentions that complainant did not attend the inquiry. The Investigating Officer is required to call the complainant for inquiry as fresh and to take immediate action according to law.

(v) Case of Shri Anand S Kshirsagar

The Report mentions that this matter pertains to Administration / Education Department and it does not amount to any offence and therefore, application was filed.

The Report shows that Police have taken proper action in all these case.

(A) **The Respondent Commissioner of Police, Solapur is required to take immediate action in Case No.3 and Case No.4 as directed above.**

(B) **The Respondent Commissioner of Police, Solapur is required to see that no such situation arises in future and action is immediately take in each and every case according to law.**

(C) **Copy of this complaint be sent to Commissioner of Police, Solapur through Secretary – State Human Rights Commission, Mumbai for information and necessary action.**

The Case No. 5323/2007-08 is disposed of with these observations accordingly.

The Secretary to communicate this order to the parties concerned.



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