

MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

Administrative Staff College Compound, 9, Hazarimal Somani Marg, Opp. C.S.T.(VT), Mumbai- 400 001.

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Website : <http://mshrc.maharashtra.gov.in>

SHRC/VGM/01/2009/497

Case No. – 69/28/2006-07

Name of the Complainant : Subhadrabai Govind Shinde
Malegaon, Tal. Baramati
Dist Pune

Vs.

The Superintendent of Police
Pune (Rura)

Date : 19 January 2009

Coram : **Justice V G Munshi, Member**

ORDER

Read the allegations made in the complaint and report received from the Superintendent of Police, Pune (Rural). Read the case papers. Heard the parties.

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

Maruti Shinde aged about 24 years, resident of village Malegaon, Tal Baramati did worked as a labour and did earn his livelihood. His marriage taken place a year before happening of the incident and he is the only earning member in the family. Some criminal case, which was filed by the complainant, the mother of Maruti Shinde, was then pending in the Court of Bararmati. The accused persons Maruti Anna Pawar and some other persons, always given threats to the complainant and as well as to her family members



and pressurized them to withdraw the case. The alleged incident occurred on 29.04.2006. All these persons with malafide intention and motive, forced Maruti Shinde to drink liquor. When he became unconscious the accused persons beaten him by kicks and fists and injured him by stones and thus committed his murder. It was alleged that, these persons created a scene of accident. It was alleged by the complainant that, it was not an accident but it was a murder. She made grievance that though she made complaint in police station and though she showed the doubts of all these respondents Police did not take any action. In short according to her, the Police did not take any action in this matter. Therefore, she moved complaints to number of authorities. As she could not get any relief, she moved the Commission for necessary action, in this matter.

3. The Respondent Superintendent of Police, (Rural) by filing their report denied and disputed all the allegations made in the complaint. According to them, Maruti Shinde under the influence of liquor, fell from a bicycle, did sustain fatal injuries and died. In other words according to them, Maruti Shinde died accidental death.

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

- (i) Read the report received from Superintendent of Police, Pune (Rural). Govind Shinde father of the deceased Maruti, given complaint about death of Maruti in Baramati Taluka police station on 30.04.2006 and A.D.No.8/2006 under section 174 of Cr PC was registered



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- (a) The police went on the spot of incident and prepared Inquest Panchnama of the dead body of Maruti.
- (b) The Investigating Officer recorded statements of Musharam Shinde and of other persons. They did tell that deceased under the influence of Tadi (liquor) fell down from bicycle and did sustain head injury. These persons taken Maruti, on the carrier bicycle and left him in front of shop of Grampanchayat in village Malegaon.
- (c) The Post Mortem Report shows that the probable cause of death was "due to head injury with haemorrhage"
- (d) The Report mentions that the parents of the deceased did not show any doubt about the death of their son Maruti.

These are the circumstances brought on record by the Respondent Police.

According to the complainant, they have filed one case in the Court at Baramati against some persons. The case is pending and they did not withdraw the case, despite of pressure of these persons. The complainant alleged that, Maruti Anna Pawar, Tatyapa Rama Pawar and Maruti Motiram Shinde, were not in good terms with them, as they refused to withdraw case. She alleged that, these persons forced Maruti to drink Tadi, beaten him by kicks and fists and also by stones and committed his murder. Thus, there



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was motive behind the act. Motive is the reason which induces a person to commit certain act which he intends to do and does. Motive, intention, knowledge etc are the conditions of mind and can be very well ascertained from the conduct of parties and other circumstances of the case. The Police have recorded statements of some witnesses including the above three persons, who were in cross terms with complainant. Therefore, it was unsafe to rely on the statements of these persons. Therefore, only because these persons say that, it was an accident, it cannot be accepted as a truth and police should have found out what was the motive behind the act. No investigation was made in this direction. The Investigating Officer should have collected information about the Court case and should have ascertained as to whether all these persons named above were in inimical terms with deceased / complainant.

- (iii) The conduct of all the above named persons was inconsistent with a conduct of a prudent man. They all kept the injured person in front of shop and one by one left that place, as if no such incident occurred. If really the deceased Maruti did sustain head injury, in an accident, then it was expected and it was incumbent upon these persons, to take him to Doctor or at least to inform the same to the parents of Maruti. The in action on the part of these persons created doubt about the story of an accident, put



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forward by these witnesses. Thus, the conduct of these persons was doubtful. The Investigating Officer, did not take into consideration this circumstance.

- (iv) Attempt was made to show that the deceased did sustain head injury because of a fall from a bicycle, that too under influence of Tadi (liquor). The complainant was not happy with investigation, made in this matter. It was alleged that, attempt was made to suppress the entire case. In other words, according to the complainant, the police joined hands with other side. The matter was therefore, referred to the Investigation Wing of the Commission. Read the report received from Police Surgeon, Mumbai. It clearly mentions that, "from the C.A. Report and P.M. Report it does not appear that, deceased had consumed liquor." The report further mentions that, it could not be said that, deceased Maruti was under the influence of liquor or he fell from bicycle under the influence of liquor.
- (v) In respect of injuries, the Report mentions that, "all these injuries, contusion, incised wound and abrasion and two wounds on head were not possible, due to fall from bicycle." The Police Surgeon made it clear that **firstly**, all these injuries / wounds were caused by beating and **secondly**, incised wound near left thumb was caused by a sharp weapon. Therefore, case that, deceased Maruti fell down from bicycle, did sustain head injuries and thus met with



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death, falls to the ground and therefore, cannot be accepted. Therefore, prima facie it is seen that Maruti died homicidal death and not accidental death. All these things, could come in the light, had it been the fact that, there was proper investigation in this crime.

- (vi) In meantime, this matter was referred to the Investigation Wing of the Commission. Spl IGP in his report mentioned that, all the circumstances of the case, show that, possibility of murder cannot be denied. The police taken casual attitude and were not careful while doing investigation. Spl IGP recommended that therefore, the matter needs re-investigation at the hands of State CID Crime. I see no reason to disagree with this report.

For all these reasons this matter needs re-investigation and that too at the hands of state CID Crime. The Commission makes following recommendations.

- (i) **Commissioner of Police, Pune to issue necessary orders / directions, for re-investigation in this matter, at the hands of State CID Crimes.**
- (ii) **The Commission hopes and trusts that, the Commissioner of Police, Pune would act accordingly at early date and would submit the compliance report to the Commission.**
- (iii) **Copy of this order be forwarded to Commissioner of Police, Pune through**



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**Secretary Maharashtra State Human
Rights Commission, Mumbai for
information and necessary action.**

With these observations and
recommendations the Case No. 69/28/2006-07 is disposed of
accordingly.

Dated : 19 January 2009



V G Munshi

(Justice V G Munshi)
Member, SHRC

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SHRC/VGM/03/2009/ 1086

Case No. – 69/28/2006-07

Name of the Complainant : Subhadrabai Govind Shinde
Malegaon, Tal. Baramati
Dist Pune

Vs.

The Superintendent of Police
Pune (Rura)

Date : 30 March 2009

Coram : **Justice V G Munshi, Member**

ORDER **CORRIGENDUM**

Read the application dated 12.03.2009 moved by Addl Commissioner of Police (Crimes), Pune and the order passed by this Bench on 19 January 2009.

The operative order passed in Case No. 69/28/2006-07 is reproduced as under.

- (i) Commissioner of Police, Pune to issue necessary orders / directions for re-investigation, in this matter, at the hands of State CID Crimes.
- (ii) Asst. Commissioner of Police (Crimes), Pune by their application dated 12.03.2009 brought to the notice of the Commission that, Commissioner of Police, Pune does not have



jurisdiction to issue such orders. It further mentions that Director General of Police alone have got such jurisdiction. Therefore, Asst. Commissioner of Police (Crimes), Pune moved the Commission for necessary action in this matter.

In view of this situation, it is necessary to correct the order dated 19.01.2009 passed in Case No. 69/28/2006-07. The Commission makes following recommendations. The corrected operative order reads as under

"The Director General of Police, Mumbai to issue necessary orders/ directions for re-investigation in this matter at the hands of State CID Branch."

The corrected order be sent to the Director General of Police (M.S), Mumbai through Secretary MSHRC, Mumbai for information and necessary action.

In form the parties.

Dated : 30 March 2009



V G Munshi
(Justice V G Munshi)
Member, SHRC