



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI
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MSHRC/SK/ /2025/ 9631

Date: 16/9/25

Case No. 759/13/10/2024

Name of Complainant: Rafiqshah Gulab Shah

Respondent

**: 1. The Superintendent of Police
Dhule**

**2. Swapnil B. burao Sonawane,
Police Constable, B.No. 1180
Dhule**

**3. Indrajit Ishwar Bairat, Police Constable,
B.No. 1568, Chalsisgaon Road
Police Station, Dhule**

Date

: 20 August 2025

Coram

: Sanjay Kumar, Member

ORDER

Police Officer Swapnil Sonawane Buckle No. 1180 and Indrajit Ishwar Bairat Buckle No. 1568 of Chalsisgaon Road Police Station are present online.

The office is in receipt of explanation submitted by them in their defence dated nil, which is taken on record.

1. The complaint is about misconduct by two Police Officers, Police Constable, Swapnil Baburao Sonawane, Buckle No. 1180 and Indrajit Ishwar Bairat, Buckle No. 1568 of Chalisgaon Road Police Station. The complainant in his complaint alleged that when he went to the Police Station to collect vehicle Ashok Layland which was seized by the Police and detained at the Police Station. The two Police Officers demanded financial gratification of Rs. 20000/- for releasing the vehicle. When the complainant refused to give any money, the Police Officers abused him and threatened him to implicate in false cases. The complainant has lodged several complaints to the Senior formation, but no action has been initiated against the erring Police Officers. In support of his averment the complainant has attached a Pen Drive consisting of a video recording.
2. During Proceeding reports and affidavits were submitted by Superintendent of Police, Dhule, Shri Shrikant Dhivare, which are taken on record. Besides, a verbatim of the conversation in video recording was produced by the respondent. The video recording produced by the respondent is 1.18 minutes. The report submitted by the Superintendent of Police is bereft of the fact of how the vehicle has come to be detained and under which law? The main contention in the application for the State Commission to decide are:

- a. Whether the Police Officers mentioned in the application for releasing of the vehicle had asked the money from the complainant?
 - b. Whether the two Police Officers have misbehaved, threatened and abused the complainant?
 - c. The respondent has not taken pain to explain under which provision of the act the said vehicle had been detained by the two Police Officers?
Both the Police Officers were given the opportunity U/s. 16 of the Protection of Human Right Act to be heard and produce evidence in his defence. Accordingly, they have made submission along with some documents in which intimation was given to complainant on 01.02.2024 asking Sharukh Sharif Khan Pathan to remain present at the Police Station to produce documents related with the vehicle, and product found into the vehicle a Station Diary Entry dtd. 30.01.2024 of 1311 hrs. says that vehicle was found with correct document and handed over to the owner of the vehicle.
3. It require mention that the vehicle was detained by the two Police Officers on 28.01.2024 at 2100 hrs. and detained at the Police Station. However, the Police Officers failed to produce any document including the Station Diary Entry in regard with detention of the vehicle. The reply submitted by the SP dtd. 19.08.2025 mentioned that the vehicle was taken into custody U/s. 102 Cr.Pc, which read as thus:

Power of police officer to seize certain property. — (1) Any police officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances

which create suspicion of the commission of any offence. (2) Such police officer, if subordinate to the officer in charge of a shall forthwith report the seizure to that officer. 56 1 [(3) Every police officer acting under sub-section (1) shall forthwith report the seizure to the Magistrate having jurisdiction and where the property seized is such that it cannot be conveniently transported to the Court, 2 [or where there is difficulty in securing proper accommodation for the custody of such property, or where the continued retention of the property in police custody may not be considered necessary for the purpose of investigation,] he may give custody thereof to any person on his executing a bond undertaking to produce the property before the Court as and when required and to give effect to the further orders of the Court as to the disposal of the same:] 3 [Provided that where the property seized under sub-section (1) is subject to speedy and natural decay and if the person entitled to the possession of such property is unknown or absent and the value of such property is less than five hundred rupees, it may forthwith be sold by auction under the orders of the Superintendent of Police and the provisions of sections 457 and 458 shall, as nearly as may be practicable, apply to the net proceeds of such sale.]

4. As per the provision of the section 102 Cr.Pc. The seizure has to be reported to Jurisdictional Magistrate of the area. However, no such act has been performed by the detaining officer, the vehicle was remained

detained at the Police Station without any legal reasons for almost two days.

5. The allegation made by the complainant about the demand for financial gratification for releasing the vehicle could not be substantiated by the available evidence produced by the complainant and during inquiry.
6. However, the allegation by the respondent of the threat of implicating complainant in a false case as well as abusing in filthy language has been substantiated with the CCTV Footage produced by complainant and respondent. The two Police Officers has failed to justify their non becoming like a Police Officer conduct in public by while dealing with the complainant. Both were found abusing in filthy language as well as questioning the authority of their Senior Police formation and other institution in public is gross misconduct of these two Police Officers, Police Constable, Swapnil Baburao Sonawane Buckle No. 180 and Indrajit Ishwar Bairat Buckle No. 1568.

In view of the above by invoking the power given in section 18 of the Protection of Human Rights Act, the Commission makes following recommendations.

- a. The complainant is rewarded with compensation for violation of his Human Rights, of an amount of Rs. 20,000/- paid by the State, within 8 weeks from the date of receipt of the order. In case of failure the State will pay simple interest at the rate of 7 percent per annum till the final realization of the amount.

- b. The State is directed at conducting a departmental inquiry about the misconduct of these two officers and taking necessary disciplinary action against them.
- c. The Hon'ble Registrar of the Commission is directed to submit the report to State Government and ask for compensation as per the provision of section 18(e) of the Protection of Human Rights Act, 1993 under regulation 22 to 24 of the Maharashtra State Human Rights Commission, (Procedure) Regulation, 2011.
- d. With these recommendations, the case 759/13/10/2024, stands closed and disposed.



Sanjay Kumar
(Sanjay Kumar)
Member, MSHRC