

National Human Rights Commission  
New Delhi, India

<b>Case Details of File Number: 1424/25/13/2014</b>	
<b>Diary Number</b>	9054/JR
<b>Name of the Complainant</b>	KIRITY ROY, SECRETARY (MASUM) & NATIONAL CONVENOR (PACTIO)
<b>Address</b>	BANGLAR MANABADHIKAR SURAKSHA MANCHA, 40A, BARABAGAN LANE (4TH FLOOR), BALAJI PLACE, SHIBTALA, SRIRAMPUR, HOOGHLY , WEST BENGAL
<b>Name of the Victim</b>	NAMAJEE SEIKH S/O AKANDAR SEIKH
<b>Address</b>	VILLAGE. NUNCHA, PO. NEW DURGAPUR, PS. ISLAMPUR, MURSHIDABAD , WEST BENGAL
<b>Place of Incident</b>	DURGAPUR, PS. ISLAMPUR MURSHIDABAD , WEST BENGAL
<b>Date of Incident</b>	8/31/2014
<b>Direction issued by the Commission</b>	<p>These proceedings shall be read in continuation of the proceedings dated 28.7.2015. Commission had directed to send the SP Murshidabad report dated 21.1.2015 to the complainant for his comment if any. The complainant vide email dated 1.10.2015 submitted his comments. Commission has perused the complaint, the report submitted by the SP Murshidabad and the comments of the complainant. Complainant Kirity Roy in his complaint alleges that he wanted to draw the attention of this Commission of intense physical torture upon a man who belongs to the lowest economy strata. The police personnel of Murshidabad district tortured person with savage brutality and broke his limbs and abandon the unconscious body at the river bank. The police refuse to accept the complaint of the wife of the victim when she went to the police station for the same. Kirity Roy demanded impartial investigation, action against the police personnel under the specific provisions of law, the complaint of the victim to the SP must be treated as FIR, the family and witnesses of the incident must be provided with adequate security and safety, and financial compensation to the victim and his family. Sub Divisional Police Officer, Donkal, Murshidabad, in his report dated 16.1.2015 had reported that the victim Namji Sheikh s/o Shri Akandor Sheikh of village Noncha, PS Islampur, District Murshidabad could not produce any witness to support the allegation of the complainant. He recorded the statement of Ranjit Sheikh and Fayeze Sheikh. They denied to have heard of any such incidence. The police record, GD and command certificate shows that said police personnel were engaged in law and order duties on the alleged dates of incidence i.e., 31.8.2014. It could be learnt that one Sajjad Sheikh s/o Usman Sheikh of village Noncha, PS Islampur, District Murshidabad, is one of the named accused in case crime no. 346/14 u/s 448/323/379/34 IPC and 25/27 Arms Act. Sajjad Sheikh used to frequent the house of Mamji Sheikh. Therefore to secure the arrest of accused persons, the investigative officer had held a raid in the house of the petitioner after following all legal procedure. He had reported that the complaint is</p>

	<p>baseless and possibly filed to put the police personnel in fear psychosis so that the frequent raids against Sajjad Sheikh could be prevented. He had concluded that the allegation against police personnel of Islampur PS appears to be false. Commission had also perused the comments of the complainant. It has been alleged that the enquiry officer did not recorded the statement of Mamaji Sheikh and his family members. The enquiry officer had also not recorded the statements of pump owners Majid Ali and Amjad Ali where the alleged incident had happened. The enquiry officer has also not collected the evidence of physical assault from the Behrampur Medical College and Islampur Rural Hospital where the victim was hospitalized and treated. There is no explanation why the SP Murshidabad had not initiated any action on the complaint of the victim dated 11.9.2014. Commission is of the opinion that enquiry conducted by SDPO is superficial in nature. It did not disclose what legal steps were taken by the police before entering in the house of Mamaji Sheikh. There is no explanation for not recording the statement of Majid Ali and Amjad Ali, the owners of shallow pump where the alleged incident took place. There is a specific mention in the complaint that victim was brought to Islampur Rural Hospital on 2.9.2014 at 6.25 a.m. and he was referred to Behrampur Medical College and Hospital where he was further treated. No medical record has been collected during enquiry. All the above mentioned facts shows that the enquiry conducted by local police officer is an eye wash and report has been submitted to shield the local police officers. To protect the human rights of the victim and to find out the truth, an independent enquiry by the investigation team of the NHRC appears to be necessary in the matter. DG Investigation, NHRC, is directed to constitute a team to enquire into allegation of the complainant regarding the violation of human rights by the police of PS Islampur, District Murshidabad, West Bengal, and submit report within eight weeks.</p>
<p><b>Action Taken</b></p>	
<p><b>Status on 7/10/2017</b></p>	