

BEFORE
TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN, AGARTALA

Complaint No. 35 of 2022

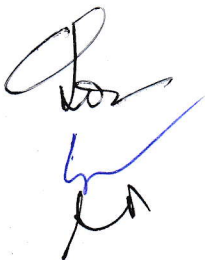
Smt. Mani Das (Shib) W/O Sri Sujit Kumar. Shib
of Narshingarh, 70 Colony, PS- Airport, West Tripura

FINAL ORDER DATED 21.09.2023

This case has been registered on receipt of a complaint filed by Smt. Mani Das (Shib) W/O Sri Sujit Kr. Shib of Narshingarh, 70 Colony, PS- Airport, West Tripura alleging that on 11.09.2022 two young men namely: Suman Miah and Rabbil Miah forcefully picked up her husband from the front of her house and took him to Airport PS alleging him a thief and thereafter, one police officer namely : Biswajit Das from Ramnagar Outpost has taken away her husband from Airport PS to Ramnagar Outpost and thereafter handed over him to some local people of Bitarban who had beaten her husband by lathi mercilessly.

2. Considering the seriousness of the alleged fact against O/C of Ramnagar Outpost the Commission has passed an order directing DGP, Tripura to inquire into the allegations and submit report to the Commission.

3. Pursuant to the order of the Commission, AIGP (Crime) on behalf of DGP, Tripura has submitted report stating that on 11.09.2022 Sri Sujit Kumar Shib (husband of the petitioner) went to a medical shop at Narsingarh for purchasing medicine. At that time, he was intercepted by a group of local public as he was suspected to be a bike lifter and he was manhandled by the local public. But Sujit Kumar Shib had managed to escape from the spot and took shelter in the Airport PS. Local public rushed to Airport PS and verbally



reported that Sujit Kumar Shib is involved with bike theft in the areas of Narshingarh, Bitarban and its adjoining areas. Airport PS kept Sujit Kumar Shib in the PS for his safe custody and informed the matter to O/C Ramnagar TOP for taking necessary steps as Bitarban area falls under the jurisdiction of Ramnagar TOP.

Thereafter, Officer-in-charge of Ramnagar TOP went to Airport PS and came to know that local public is accusing Sujit Kumar Shib for motor bike theft from Bitarban area. Accordingly, Sujit Kumar Shib was brought to Ramnagar TOP under proper police escort via Airport to Barjala road. While O/C Ramnagar TOP along with Sujit Kumar Shib was proceeding towards Ramnagar TOP, at that time a group of local public had been following the police vehicle. It is stated that the allegation made by the complainant regarding assault upon her husband Sujit Kumar Shib by a group of public at Bitarban area is not true but it is a fact that a group of local people about 200/300 were gathered in front of Ramnagar TOP and while Sujit Kumar Shib was being shifted to TOP from the Police vehicle, at that time some unknown members of the said group had tried to assault him by fists and blows. O/C Ramnagar TOP tactically handled the situation and succeeded in bringing him into safe custody at Ramnagar TOP.

After that, medical check-up of Sujit Kumar Shib was arranged by O/C Ramnagar TOP at IGM Hospital on 11.09.2022 and placed him in West Agartala PS for safe custody.

Later on Sujit Kumar Shib was found involved in West Agartala PS case no. 2022WAG152 U/S 382(D) IPC and he was forwarded to the Ld. Court in connection with the above mentioned case and presently he is in jail custody.

4. The report submitted by AIGP (Crime) on behalf of DGP that Sujit Kumar Shib was taken to IGM Hospital on 11.09.2022 but the report conspicuously silent about the physical condition of Sujit



Kumar Shib and the report was not satisfactory, rather confusing and hence the Investigation Wing of the Commission was directed to inquire into the alleged fact that Sujit Kr. Shib was let loose by the police personnel of Ramnagar TOP to the hands of public, gathered in front of Ramnagar TOP and as a result he was beaten by the public.

5. The Investigation Wing of the Commission has submitted a detailed report. During inquiry the team examined Sri Biswajit Das, O/C of Ramnagar TOP, Sri Shyamal Kanti Majumder, Inspr. of police now posted at O/C Ramnagar TOP, Sri Rana Chattarjee, the then O/C of Airport PS, the complainant Smt. Mani Das and Sri Sujit Kumar Shib, husband of the complainant, the injured of this case.

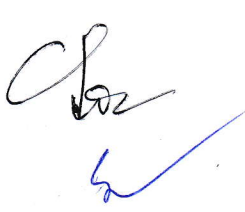
6. In course of inquiry Sri Sujit Kumar Shib stated in his statement that on 11.09.2022 at about 8:32 to 9:00AM he went to purchase medicine from Modern Sati Medical at Narsingarh market. At that time one Rabbil Miah and Hriday Miah came there and started hot altercation with him alleging that he was involved in a bike lifting case. He could understand the ill intention of those two persons, he proceeded towards Airport PS. Rabbil Miah and others also came to Airport PS. They were also making allegation of theft against him to O/C of Airport PS. After 10/15 minutes Biswajit Das, O/C Ramnagar TOP came there with a private vehicle of white colour and boarded him from Airport PS to his vehicle. Biswajit Das also boarded two persons standing on the gate of Airport PS and seated them on the back side of the vehicle by the side of him. One was seated on the right side of him and another one also seated on the left side. There were five persons in the vehicle including Biswajit Das and driver. Many persons also followed the said vehicle who were coming by their bike.

After crossing Ushabazar, said two persons seating by his side started to cause injury to him by key of bike and ring of their finger.

They caused bleeding injury to his head by the side of eye and other parts of his face. The people gathered in front of Ramnagar TOP also gave him blows while he was taken from the vehicle to Ramnagar TOP. No medicine was given to him after his examination at IGM Hospital.

7. The relevant part of statement of Biswajit Das O/C Ramnagar TOP who was examined by the Investigation Team of the Commission, is as follows:-

"..... at about 1200 hrs I along with driver Samrat Dey reached at Airport PS and met with O/C PS. After reaching at Airport PS I did not see any injury mark on Sujit Kr. Shib, but I can't tell whether he was assaulted by the Biterban public near Narshingarh Hospital or not. After discussion with O/C Airport PS, I took Sujit Kr. Shib in the vehicle. Along with me, driver Samrat Dey sat in front seat and I have seated two public of Biterban one is known to me, his name is Musharaf (seated on left of the vehicle) and another name is not known to me, I know only by his face and this person was sitting on the right side beside Sujit Kr. Shib. This Bitterban public sat on the right and left side of Sujit Kr. Shib on the back seat of the vehicle from Airport PS. At first I sat with Samrat Dey in front of the vehicle. Since I was on the front seat of the vehicle I don't know whether Sujit Kr. Shib was assaulted /bitten by Musharaf and other public inside the vehicle while the vehicle was on its way to Ramnagar TOP. There were huge unruly crowd approximately 900 to 1000 gathered near Ramnagar TOP. There were also numbers of bikers of Bitterban area following our vehicle right from Airport PS. Since there was huge crowd in front of Ramnagar TOP the vehicle had to stop twenty to thirty meters away from Ramnagar TOP. After stopping, the unruly crowd tried to snatch him from the vehicle, I got down from the vehicle and tried to manage the unruly mob, in the meantime



Musharaf got down from the vehicle and I went and sat on the back seat where Musharaf was seated. There after I have to call SP, West for reinforcement in order to control the unruly crowd. In the mean time one ERSS vehicle with staff reached at Ramnagar TOP. There after other available staff of Ramnagar TOP came forward to our vehicle and together we took Sujit Kr. Shib from the vehicle to Ramnagar TOP G.D. room. As we were taking Sujit Kr. Shib to Ramnagar TOP from the vehicle the unruly mob slapped and pounced Sujit Kumar Shib and most of the pounces also fell on me and my staff. After the unruly mob were dispersed from Ramnagar TOP, I arranged his medical treatment at IGM Hospital, Agartala as he was manhandled in front of Ramnagar TOP by unruly mob of Bitterban area. Sujit Kumar Shib was provided medical aid but no other examination was conducted as per advice by doctor of IGM Hospital. I did not collect the medical report of Sujit Kumar Shib from IGM Hospital. After his treatment he was brought to West Agartala PS and kept in safe custody there for further interrogation to reveal out whether he is actually involved in the bike theft incident occurred on 09.09.2022 in the house of Md. Billal Miah of Bitterban.

I did not receive any complaint from Sujit Kumar Shib and his family members about being physically assault upon Sujit Kumar Shib by unruly mob. More over if any action was taken against local public of Bitterban then the situation would have aggravated more. It is also to mention here that Smt. Mani Das (Shib), the complainant was also present at Ramnagar TOP at the time of incident and the police person had to save her from the unruly mob as many of the Bitterban public recognize her. After knowing all this matter Smt. Mani Das (Shib) did not lodge any complaint to Ramnagar TOP, West PS about the incident.

On 11.09.2022 Sujit Kumar Shib was kept in West Agartala PS for interrogation purpose. The situation of the Bitterban area was also tense that if we release him from the PS there is every possibility to attack up on him by the local public of Bitterban area for which we kept him in PS safe custody. Till on 11.09.2022 the bike owner Md. Billal Miah did not lodge any written complaint in respect of his bike theft. That matter was noted in GD vide Ramnagar TOP GD Entry No. 08 dated 11.09.2022.

On 12.09.2022 I received a written complaint from one Billal Miah S/O Md. Sona Miah of Batiabhognagar, Bitterban, PS West Agartala in respect of his bike theft occurred on the intervening night on 09.09.2022 night at any time. After receiving that complaint I forwarded it to the O/C West Agartala PS for necessary action. After receiving the complaint, I/C West Agartala PS Inspr. Kajal Rudra Pal registered West Agartala PS case no. 2022WAG152 dated 12.09.2022 U/S 382 (D) IPC and the case was endorsed to me by I/C PS for its investigation. Accordingly, I took up the investigation of the case. I would also like to mention here that I do not know why the complainant Billal Miah has given complains against unknown person involved in his bike theft”.

“..... I did not collect the examination report. I forwarded him to the Ld. Court of CJM West, Agartala with a prayer for 05 days police remand in West Agartala PS custody for recovery of stolen Motor Bike as well as arrest of his associates. The Ld. Court allowed three days police remand till 14.09.2022 for his interrogation in police custody at West Agartala PS. During my forwarding report to Ld. Court I did not mention the injury sustained by Sujit Kr. Shib on 11.09.2022 as he did not sustain serious injuries on his person”.

8. The relevant part of statement of witnesses Sri Shyamal Kanti Majumder, O/C of Ramnagar TOP since 25.03.2023 is noted as follows:-

"On 12.06.2023 I received a R/G from Dy.SP, Tripura Human Rights Commission for my appearance and to record my statement in the office of Tripura Human Rights Commission, Kunjaban Agartala in connection with THRC complaint no. 35 of 2022 regarding the incident that has taken place on 11.09.2022 when the complainant husband namely Sujit Kumar Shib was assaulted by a group of people in front of Ramnagar TOP.

On 25.05.2023 Investigation Wing of THRC visited Ramnagar TOP and consulted with me about the video clips which was collected by them in connection with the instant case. On that video clips I have been shown one white coloured vehicle which was waiting in front of Ramnagar TOP and many people surrounded the said vehicle. In this vehicle Inspr. Biswajit Das, the then O/C Ramnagar TOP seated on the left side of the back seat, one injured person in middle seat of the said vehicle and another unknown public seated on the right side of the back seat of the said vehicle.

Based on the verbal information and video clip of the incident occurred on 11.09.2022 as shared by Investigation Wing of THRC, I verified the matter with my sources in the area of Ramnagar TOP about the identification of unknown person sitting on the right side inside the vehicle. The unknown person has been identified and his name is Moumin Miah age about 35 years S/O Lt. Kashem Miah of Bitterban near Nazrul School under Ramnagar TOP".

9. The main allegation in this case is that Sri Sujit Kumar Shib the husband of the complainant was assaulted by two persons sitting by his both sides in the vehicle on the back side causing bleeding injury



on his person, when he was taking by Biswajit Das OC of Ramnagar TOP from Airport PS to Ramnagar TOP.

10. Biswajit Das OC of Ramnagar TOP during enquiry before the Investigation Team of the Commission also admitted the presence of two civilian of Bitterban area in the vehicle on the way to Ramnagar TOP from Airport PS. Sri Biswajit Das sat on the front side of the vehicle by the side of the driver for which he could not follow the incident of injury to Sri Sujit Kumar Shib caused by the said two persons. OC of Airport PS (Inspector Rana Chatterjee) stated before the Investigation Team that he did not see any injury on the body of Sri Sujit Kr. Shib at his PS. Mr. Shyamal Kanti Majumder O/C of Ramnagar TOP since 25.03.2023 stated that he had seen Sri Sujit Kumar Shib in injured condition in the back side of the vehicle. The injury was found on his face and head and that he had seen the injury of Sri Shib on seeing a video footage shown to him by the Investigation Team at the time of recording his statement.

11. Here at this stage we find corroboration of the alleged fact of physical injury of Sri Shib caused in the vehicle from the statement of Mr. Shyamal Kanti Majumder OC of Ramnagar TOP and also from the statement of OC of Airport PS. It is important to note that Sri Shib did not sustain any injury on his person during his stay at Airport PS till boarding on the vehicle of Ramnagar TOP. Specifically he was seen in injured condition in the vehicle in front of Ramnagar TOP i.e before taking him from the vehicle to Ramnagar TOP. So it is established fact that Sri Sujit Kumar Shib sustained injury in the vehicle at the time of taking him from Airport PS to Ramnagar TOP. It is also established fact that Sri Biswajit Das was also present on front seat of the vehicle along with driver Sri Samrat Dey. Explanation given by Sri Das that he could not follow the incident of assault to Sri



Sujit Kumar Shib sitting on the adjacent back side of the vehicle is a story of unbelievable character. So the Commission is unable to place any reliance of his explanation of lack of knowledge.

12. The next point is that why Sri Biswajit Das seated two civilian of Bitterban area on the back of the vehicle by both side of Sri Sujit Kumar Shib.

13. According to Sri Biswajit Das one was Musharaf and another person he could not identify by his name but he can identify his face. That person was subsequently identified as Md. Moumin Miah on enquiry conducted by Mr. Shyamal Kanti Majumder, subsequent OC of Ramnagar TOP. This conduct of Sri Biswajit Das is a serious misconduct on his part as Public Servant. The injury caused to Sri Sujit Kumar Shib while in custody of Police, is a serious violation of human rights and that was abetted by Sri Biswajit Das in a conscious manner since he seated those two persons alongwith Sri Sujit Kumar Shib and so he being a Public Servant is liable for violation of human rights of Sri Sujit Kumar Shib.

14. Sri Biswajit Das further stated that there were 900 to 1000 people gathered in front of Ramnagar TOP for which he talked with SP West for deploying additional force to take Sri Sujit Kumar Shib from the vehicle to Ramnagar TOP. He also stated that many persons of Bitterban area riding their bike were also following his vehicle from the Airport PS. Thus we find that Sri Das had prior knowledge of the tensed situation in front of Ramnagar TOP. He ought to consult with SP, West prior to arrival at TOP. He stated that huge numbers of unruly mob slapped and pounced Sri Sujit Kumar Shib while taking him from the vehicle to Ramnagar TOP. Here also the Commission finds serious negligence on the part of Sri Biswajit Das. In other words Sri Das let loose the security allowing unruly mob to assault Sri



Shib. This part of conduct is also an abetment on the part of Sri Biswajit Das for violation of human rights to Sri Shib.

15. It is also stated by Sri Biswajit Das that he took Sri Shib to IGM Hospital to provide medical aid, but he did not collect the examination report. Moreover, further investigation (NCCT Brain) as advised by MO was also not arranged by him. If no examination report was collected and no investigation of (NCCT Brain) was arranged, then what was the justification of taking Sri Sujit Kumar Shib to IGM Hospital. This is nothing but mockery on the part of Sri Biswajit Das, is also serious misconduct /negligence on his part and that will add towards violation of Human Rights to Sri Shib.

16. It is once stated by Sri Biswajit Das that Sri Shib was kept at West Agartala PS for safe custody. Again he stated that he was kept for interrogation in connection with a theft case which was registered at PS on 12.09.2022. Sri Shib was kept at West Agartala PS on 11.09.2022 for interrogation before registration of theft case is nothing but that he was illegally detained at West Agartala PS. The period of detention was illegal and that amounts to violation of human rights of Sri Shib.

17. In respect of safe custody at West Agartala PS Sri Das failed to show any legal provision, as such the fact of safe custody has no legal stand and purely illegal. So, both the context of safe custody and interrogation, are nothing but illegal detention and amounts violation of human rights.

18. Mr. Biswajit Das again stated that he did not mention the injury of Sri Shib in his forwarding report to court in theft case which was registered on 12.09.2022, since Sri Sujit Kumar Shib did not sustain

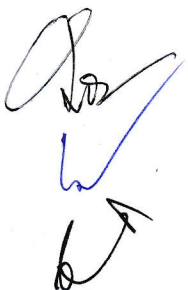
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serious injury. He suppressed the fact of injury before the court which is a serious misconduct as public servant.

19. Sri Biswajit Das further stated that he did not register any FIR for slapping and punching to Sri Shib by unruly mob in front of TOP on the ground that if he registered any FIR, situation of Bitterban area would deteriorate. Does it mean that even if a person is killed by mob, no case will be registered because of possibility of deterioration of situation in the concerned area? This explanation is totally contrary to law. He was bound to register a Suo-motu case of assault but he did not do so and that amounts to taking side of unruly persons to commit violation of human rights.

20. In view of the materials collected by the Investigation Team of the Commission, which has done a remarkable job and in view of the statements of SI Biswajit Das, OC, Ramnagar TOP and SI Shyamal Kanti Majumder, subsequent OC of TOP, statement of Rana Chattarjee, OC Airport PS, the statement of victim Sujit Kumar Shib as well as other evidence collected during inquiry, we are of considered opinion that human rights of Sujit Kumar Shib was grossly violated by SI Biswajit Das, OC of Ramnagar TOP. Sujit Kumar Shib was picked up by SI Biswajit Das without having any criminal case registered under his PS. He took him in a private vehicle arranged by some private persons of Bitarban area and had taken Sujit Kumar Shib under his custody and let him to the hands of those private persons in the back seat of the vehicle who allegedly assaulted him in the vehicle itself and thereby Shri Biswajit Das abetted the violation of human rights of Sujit Kumar Shib.

21. It is also clear before the Commission from the statement of SI Biswajit Das and other materials that while Sujit Kumar Shib was being taken to Ramnagar TOP by the private vehicle, some local



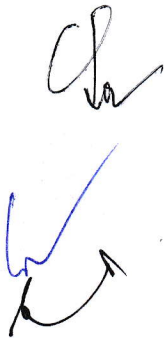
people were following the vehicle and according to SI Biswajit Das around one thousand people gathered in front of the Ramnagar TOP but he took Sujit Kumar Shib there before the un-ruly people and left him loose to the hands of those mob whereas he would shift the detained person Sujit Kumar Shib to the West Agartala Police Station i.e. the principal Police Station or any other safe custody. He has consciously abetted the violation of human rights of Sujit Kumar Shib.

22. As per record placed before the Commission, one Billal Miah lodged an FIR against un-known person on 12.09.2022 which was registered as West Agartala PS case No. 2022WAG152 u/s 382(D) IPC on 12.09.2022, Sujit Kumar Shib was shown as arrested in that case which means on the day of taking into custody of Sujit Kumar Shib i.e. on 11.09.2022, there was no case before police for taking into custody of Sujit Kumar Shib. He was illegally detained at Police Station for the whole day of 11.09.2022 without having any authority. This is a serious violation of human rights.

23. SI Biswajit Das, OC Ramnagar TOP has given a very flimsy explanation of not registering a case against alleged un-ruly mob who manhandled Sujit Kumar Shib.

It was the humble duty of the police personnel to save and protect the life and property of every citizen. For a wrong doer, action should be taken according to law. It is not expected that a police person will act at the instance of some other people behind the screen without sanction of law.

Here in this case, as it appears, SI Biswajit Das has acted at the instance of some people behind the screen and therefore, with a private vehicle he rushed to Airport PS, picked up Sujit Kumar Shib and two other civilians of Biterban area in the vehicle and allowed Sujit Kumar Shib to be beaten / manhandled by the civilians in the vehicle.



We are at a loss to say that SI Biswajit Das has mis-conducted seriously and thereby violated the human rights of Sujit Kumar Shib.

We are, therefore, constrained to hold that SI Biswahit Das should be held responsible to pay compensation to the victim whose human right was violated at his instance.

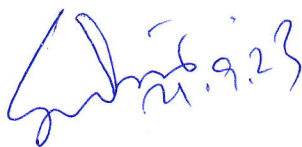
24. Considering all aspects, we think it appropriate to direct payment of compensation to the tune of Rs. 1,00,000.00 /- (Rupees One Lakh) to the victim Sujit Kumar Shib. The amount shall be paid by the Home Department, Government of Tripura to the victim. The said amount should be realized from the salary or other payables of SI Biswajit Das who has violated the human rights of an ordinary citizen.

25. We leave it to the wisdom of the State Government to initiate a Departmental Proceedings against SI Biswajit Das for his misconduct which has been transpired in the inquiry before the Commission.

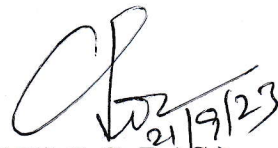
26. Copy of this order be sent to the Secretary, Home Department, Government of Tripura, Director General of Police, Tripura for compliance of the recommendation within one month from the date of the receipt of the same.

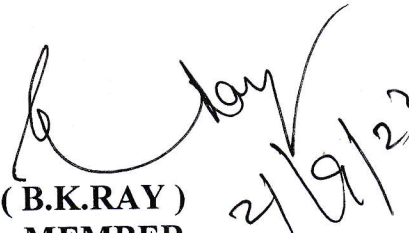
27. And also send copy of this order to the victim Sujit Kumar Shib.

28. With the above observation / recommendation, the case stands disposed of.



(S.C.SAHA)
MEMBER


(JUSTICE S.C. DAS)
CHAIRPERSON


(B.K.RAY)
MEMBER