

**BEFORE
TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN, AGARTALA**

Complaint No. 06 of 2024

Sri Avijit Das

VS

Sri Keshab Das, Pradhan of Fulkumari village

FINAL ORDER DATED 18.07.2024

On 16.01.2024 the Commission received a complaint from Sri Avijit Das S/O Sri Bhabesh Ch. Das of Fulkumar, Udaipur, PS R.K. Pur, Gomati District. In his petition to the commission, the complainant alleged that on 10.08.2023 Sri Keshab Das, Pradhan, Fulkumari village, Udaipur illegally and forcibly threw mud from the drain in front of his house on the brick chips piled there and also broke the signboard of "Carrying Centre" with the help of PWD workers who used dozer without any proper order from the D.M. The complainant further alleged that said Keshab Das also threatened him in presence of public. This act of Keshab Das was to harm the complainant and also to cause loss of his business. He submitted a complaint to the District Magistrate & Collector, Gomati District for justice but did not get any relief from the D.M. Again on 22.11.2023 during the time of Durga Puja, Keshab Das mercilessly assaulted the complainant in front of the local club namely: Nabashakti Sangha for which he had to be hospitalized for treatment. He informed the matter to the local headman for proper treatment and also for justice. At the same time, he went to Police Station and submitted a prayer with information to the Superintendent of Police. The complainant alleged

that he did not get justice from anywhere. On the contrary, he was arrested by police on 11.01.2023 and was put into lockup of R.K. Pur Ps after torturing and without any clothing in winter season and without any medical checkup. He informed the matter to SP, Gomati verbally but getting no response from him, he submitted a complaint before the Hon'ble High court. Sri Avijit Das further alleged that the police falsely implicated him by submitting charge sheet to court in two cases i.e PRC (SP) 19/23 and PRC (SP) No. 88/23. In another two cases, the police submitted FR against him in R.K. Pur PS vide R.K. Pur PS case No. 64/2023 and R.K Pur PS case No. 89/2023.

2. The complainant submitted to the Commission that he is under constant threat of life due to police action and illegal activities of the Pradhan, Keshab Das. He prayed for justice.

3. Since the allegations made by the complainant Avijit Das appeared before the Commission to be of very serious nature, the Commission took cognizance of the complaint and issued notice to the SP, Gomati and D.M. Gomati to inquire and submit report.

4. After several reminders, the AIGP (Crime) of Police from the office of DGP, Tripura sent a report to the Commission on 30.04.2024. In the report it was informed to the Commission that the matter was inquired by the SDPO, Udaipur and a detailed report was submitted to the SP, Gomati. The report revealed that the maintenance work of a drain at Fulkumari area under Fulkumari Gram Panchayet was going on under the supervision of the Pradhan of Gram Panchayet namely: Keshab Das. The maintenance site was just adjacent to the house of the complainant, Avijit Das. As Avijit Das was not ready to

give any space near his house for the drain maintenance work, rather he raised objection. Because of his non-cooperation, a hot altercation took place between the Pradhan and Avijit Das. However, the Pradhan, Keshab Chandra Das somehow managed to complete the work inspite of the objections raised by Avijit Das. But Avijit Das lodged a complaint against Keshab Chandra Das alleging that he had been subjected to torture by Keshab Das and he was scared of the activities of the Pradhan.

On the basis of the complaint lodged by Avijit Das against Keshab Chandra Das, O/C R.K. Pur PS registered a specific case vide R.K. Pur PS case no. 2024RKP013 dated 13.02.2024 U/S- 325/506 IPC and the case is under investigation.

During inquiry, it is also revealed that Avijit Das often submits complaints against others and in 2022 & 2023, four cases were registered at R.K. Pur PS on his complaints. Out of those four cases, two cases ended in Charge Sheet and the rest two cases ended in FR (civil in nature) and FR (F).

Despite several reminders, the D.M., Gomati did not submit any inquiry report conducted by an officer of his office. Rather he forwarded the same report to the Commission which was submitted to the DGP, Tripura by the SP, Gomati and inquired by the SDPO Udaipur.

5. Since the Commission was not satisfied with the report of the SP and the D.M., Gomati, it directed its Investigation Wing to make a thorough inquiry into the matter and submit report.

6. The Investigation Wing of the Commission headed by Dy.SP L.Molsom submitted its report on 24.06.2024. From the report of the Investigation Wing the following facts transpired:-

(a) The complainant Sri Avijit Das is a residence of Fulkumari, Udaipur. He runs brick chips business and this brick chips are kept in front of his house adjacent to Udaipur-Amarpur main road.

(b) On 10.08.2023 at around 1130 hrs Sri Keshab Chandra Das, Pradhan of Fulkumari Panchayat, without giving prior notice or any order, the Pradhan Keshab Chandra Das took the PWD staff with dozer started to work on the old drain which was on government land. The drain adjacent to the land of the complainant, on which the Pradhan with the PWD staff of Udaipur went to work, was constructed long back. But with the passage of time, the existing drain was broken and it got filled with mud. Presently, the complainant and his other family members used the filled up portion of the drain as approach road to their house and also to run business.

(c) The complainant had to intervene and stop the work since the Pradhan and PWD staff had no order nor had informed the complainant about the work. Moreover, while the work was being carried out, the dozer had damaged the complainant's approach road, signboard placed in front of his brick chips the market value of which will be Rs. 15/16 thousand approx. and the brick chips that he lost while cutting the soil have a market value of Rs. 1 lakh and 10 thousand.

(d) The complainant further stated that their Panchayat ward member Smt. Gopa Sarkar was present on 10.08.2023 when Pradhan



namely: Keshab Das has threatened to beat him. During inquiry, the investigation wing tried to examine and record the statement Smt. Gopa Sarkar but the complainant was not willing the investigation wing to meet with Smt. Gopa Sarkar, as the complainant believed that Smt. Gopa Sarkar will not speak against Pradhan.

(e) On 22.10.2023 during Durga Puja at evening, when the complainant went in front of Navashakti Sangha Club, the Pradhan namely: Keshab Ch. Das punched him on his cheek. At that time, Tapan Das and Uttam Dey were present in that place but they were busy in managing the crowd. Immediately the complainant informed the matter to Tapan Das. At that time he stated that he would see the matter after Durga Puja. Thereafter, being injured the complainant went to Udaipur Tripura Sundari Hospital for his treatment. The complainant reported about this incident over phone to R.K. Pur PS but he did not get any positive response. Later, he reported the incidents in writing to the S.P., Gomati.


On 28.10.2023 at 2158 hrs the complainant filed a written complaint to the O/C R.K Pur PS against Shri Keshab Ch. Das S/O Shri Gouranga Das of Fulkumari, PS RK Pur, Gomati Tripura Dist. After receiving the complaint, O/C PS registered a case vide R.K Pur PS Case No.2024RKP013 dated 13.02.2024 and the case was endorsed to SI Biplab Das for its investigation.

After completion of the investigation, I/O of the case submitted charge sheet against the accused person namely Shri Keshab Ch. Das (43) S/O Shri Gouranga Das of Fulkumari, PS- RK

Pur, Gomati Tripura Dist vide R.K Pur PS C/S No.46/24 dated 31.03.2024, U/S-323/506 IPC.

(f) The complainant alleged that he was arrested on 11.01.2023 without prior notice from his home by R.K Pur Police. His arrest was in connection with R.K. Pur PS case No. 05/2023 dated 11.01.2023 U/S 448/427 of IPC, on the complaint filed by Shri Dilip Sarkar of Khilpara Bhangarpar. O/C R.K Pur PS endorsed the instant case to ASI Sanjit Kumar Das for its investigation.

During investigation, I/O with staff of R.K Pur PS visited the house of Avijit Das (A/P). At that time, Avijit Das was available in his house and on being inquired about the incident, the FIR named A/P Avijit Das was ferocious in his approach and he had admitted his guilt and threatened to do the same again, for which I/O caused arrest of the FIR named A/P Avijit Das after observing all legal formalities. On the same evening, one Subhankar Debnath of Poultry Road, Udaipur appeared at R.K. Pur PS and demanded his bail. As the offence is bailable in nature, the A/P was released on bail on being accepted by O/C PS and the case ended in Charge Sheet No. 5/2023 dated 20.01.2023.



(g) The complainant alleged in his complaint that the following two cases were not properly investigated by R.K Pur PS which ended in FR vide R.K Pur PS case No. 64/2023 dated 19.04.2023 U/S 294/441/201/506/120(B) of IPC against Manik Majumder's family namely: Shri Sital Majumder S/O Manik Majumder of Fulkumari along with 4 others. After completion of investigation, I/O ASI

Mrinal Chakraborty of R.K Pur PS submitted Final Report in connection with the case as the matter is Civil in nature.

Another case registered vide R.K. Pur PS case No. 89/2023 dated 06/06/2023 U/S 448/325/384/506 of IPC against Lokesh Das @ Bijoy Das of Fulkumari along with 2 persons and after completion of investigation, SI Sahen Ahmed Barbhuiya of R.K. Pur PS, I/O of the instant case, submitted Final Report (False) as the prime motive of complainant was to commit assault upon the FIR named A/P in c/w this case. I/O collected injury report of complainant namely: Avijit Das from Dr. of TSSD hospital, Udaipur. The doctor opined that Shri Avijit Das had sustained simple injury and there was no external injury. During investigation, no evidence could be found by I/O in support of the allegation made by the complainant. So, I/O submitted FR(False) vide R.K. Pur PS F/R No. 27/2023 dated 31.07.2023 with a prayer to the Ld. Court to pass necessary order to submit P/R U/S 211 against the complainant Avijit Das.

On the other hand FIR named A/P of the instant case has lodged a complaint against complainant Shri Avijit Das vide R.K. Pur PS case No. 88/2023 dated 06.06.2023 U/S 342/325 IPC and I/O of the case submitted charge sheet against complainant vide charge sheet no. 89/2023 U/S 342/323 IPC.

(h). During local inquiry including the local club office bearers, it was learnt that several complaints against Avijit Das were made to the local club but they could not resolve those allegations due to non-cooperation of Sri Avijit Das.

7. From the detailed inquiry report of the Investigation Wing as well as from the report of SP, Gomati, it appears that due to old political rivalry between the complainant Avijit Das and accused Sri Keshab Das, there were several allegations and counter allegations against each other and number of cases were registered in the local Police Station. Some of them ended in Charge Sheet against complainant Avijit Das and some cases ended in F/R and some cases are under investigation.

8. This is a dispute between two private persons and no evidence was available to prove that there is any violation of human rights of the complainant by any Govt. official or any Govt. authority. The police took action on each complaint made by the complainant.

9. Despite reminder, no report was received from the D.M., Gomati, though the Commission thought it appropriate that inquiry of a matter done by the Civil authority and another inquiry done by the Police agencies might be different in the context of the mater. The Commission considers it appropriate to take the matter to the notice of the Home, Secretary, Govt. of Tripura for taking necessary action as he deems fit.

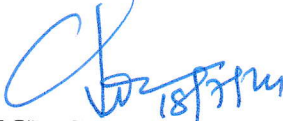
10. In such circumstances, the Commission is of the view that there is no need to further drag the matter for indefinite time and considers it appropriate to dispose of the case at this stage.

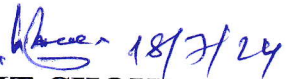
11. A copy of this order be sent to the Chief Secretary, Govt. of Tripura and the DGP, Tripura for information.

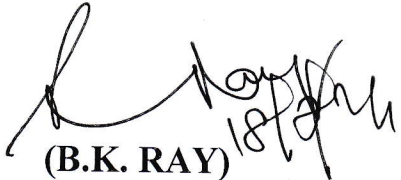


12. Copy of this order also be sent to the District Magistrate & Collector, Gomati District and Superintendent of Police, Gomati District for information.

13. Copy also be sent to the complainant Sri Avijit Das S/O Sri Bhabesh Das of Fulkumari, Udaipur, PS R.K. Pur, Gomati District for information.


(JUSTICE S.C. DAS)
CHAIRPERSON


(UDIT CHOUDHURI)
MEMBER


(B.K. RAY)
MEMBER