

TRIPURA HUMAN RIGHTS COMMISSION  
KUNJABAN: AGARTALA

**Complaint No. 67 of 2024**  
**(Subhradwip Paul Vs Teliamura Police Station)**

**ORDER SHEET**

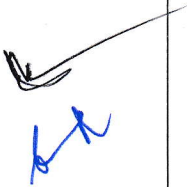
SL. No.	Date	Order	Note
02	25/09/2024	<p>Received a report from the O/o the DGP, Tripura, by which a report of Superintendent of Police, Khowai was sent to this office. Perused the same.</p> <p>As per report on 25/08/2024, S/I Dibyajoti Majumder of Teliamura PS at about 2300 hours, received an information of public nuisance at Hawaibari near Jhil water factory and accordingly he reached there and found local people gathered there and amongst them one Subhradwip Paul was found creating nuisance under the influence of liquor and he had a motor cycle bearing registration no. TR-01-AV 4635 and he alleged that another vehicle bearing registration no. AS01AR 5786 dashed his motor bike.</p>	

It is also alleged that Sri Paul was very unruly and in riotous mood under the influence of liquor and as such S/I Dibyajoti Majumder arrested him U/S 90(2) of The Tripura Police Act-2007 and took him to custody. It is also reported that while returning to PS, the said S/I arranged medical examination of Sri Subhradwip Paul at Teliamura District Hospital, but the Medical Officer opined that Sri Paul though consumed alcohol but could take care of himself. According to the report Sri Paul was not allowed bail since no bailer reported to the PS and the next morning his father came, he was released on bail. Initially documents related to the bike were not produced. Subsequently, when documents were produced on 28/08/2024 the motor bike bearing no. TA-01 AV 4635 was released.

It is also reported that on 26/08/2024, said S/I Mr. Majumder of Teliamura PS submitted Prosecution Report (PR), U/S 90(1) (b) of The Tripura Police Act-2007. It is also reported that the said S/I did not take cognizance on the allegation of dashing the motor bike by another vehicle because the motor bike of Subhradwip Paul did not show any damage.

On perusal of the report some confusion arises since no documents and evidences are furnished. The medical report of the Shubhradwip Paul is also not furnished.

Section 90 (1) (b) of The Tripura Police Act-2007, supports prosecution when two ingredients are satisfied. The first one is that the offender must be intoxicated and the second ingredient shows that he must be riotous. Rioting as defined in Bharatiya Nyay Sanhita-2023 in section 191 shows that the number of persons must be 5(five) or more, i.e. he must be member of unlawful assembly and intoxicated means that he must be in the state of drunk especially to the point where physical and mental control is markedly diminished. But in the instant case, the Medical Officer opined that Subhrawip was capable of taking care of himself. So, prima facie the prosecution appears to be unjustified.

A handwritten signature in blue ink is located in the bottom left corner of the page. Above the signature is a checkmark drawn with a black pen.

**Pg 4 of (4)**

So, the Commission thinks it appropriate to direct the Investigating Wing of the Commission, headed by Dy.SP. Lalhim Moslom to inquire into the matter in details and to submit a report within 4(four) weeks.

Fix it on.....28/10/2024.....

  
( Justice S. C. Das )  
Chairperson

  
(U. Choudhuri)  
Member

  
(B.K. Ray)  
Member