

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

**Complaint No. 82 of 2024**

**Complainant: Sri Putul Debnath**

**Vs**

**Sri Bishal Chakraborty and others.**

**FINAL ORDER DATED 09.01.2025**

On 24.10.2024 a complaint was filed by one Sri Putul Debnath S/O Lt. Dharendra Debnath of vill- East Durgapur (Ward No. 17), PO- Paiturbazar, PS & Sub-Division – Kailashahar, District- Unakoti, Tripura which was received through DTDC. The complainant alleged that his minor daughter Riya Debnath was kidnapped by one Bishal Chakraborty S/O Bashudeb Chakraborty of Sadhutilla, Pratapgarh under East Agartala PS. It is alleged that incident took place on 29.12.2023. When the victim girl was found missing, the complainant searched the house of relatives but did not get any information about the girl. Accordingly, he reported the incident to Kailashahar Women PS. After 8 days with the help of Women PS he got back his minor daughter and came to know that said Bishal Chakraborty S/O Bashudeb Chakraborty committed rape on his daughter, keeping her in different places. Kailashahar Women PS registered two cases, one was bearing No. KLS (W) PS Case No. 03/2024 U/S 417/363/376 (2) (n)/506 IPC & u/s 4 of POCSO Act 2012 and another case was bearing No. KLS (W) PS case no. 08/2024 U/S 366/506/342 IPC & 97 Cr.PC against said Bishal Chakraborty, one Bashudeb Chakraborty, one Yamuna Chakraborty and Saptam Chakraborty. It is alleged that subsequently, the accused persons again enticed his daughter and took her with them and detained her, so

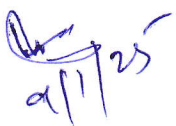
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that they can get benefit from the Police cases. To recover the minor girl, the complainant and his relatives again knocked the door of the PS. But even after expiry of good number of months, complainant did not get any information in respect of his daughter and could not recover the victim with the help of Police. Accordingly, complainant approached the DIG of Police, Tripura, Hon'ble Chief Minister, Govt. of Tripura, Women Commission, Agartala West Tripura, SP Unakoti, SDPO, Kailashahar, Chairman of the Child Welfare Committee, Kumarghat for recovery of the victim. Till that date, complainant failed to recover the victim. In the meantime 9 months already elapsed. But victim girl could not be recovered and thus, complainant knocked the door of this Commission with a prayer to recover the victim and to take suitable action against the accused persons. On the basis of this complaint before taking cognizance, the Commission considered to have a report from DGP Tripura in respect of the allegations made in the complaint.

2. Accordingly, from the office of the DGP, Tripura AIGP (Crime) submitted a report which shows that on 29.12.2023 morning the minor girl namely, Riya Debnath left home for morning walk, but did not return home. The parents of the minor girl searched all probable places but failed to trace out her. On 04.01.2024 her parents approached Kailashahar Women PS for recovery of the missing minor girl and immediately police started to inquire into the matter and ultimately making pressure upon the family of one Bishal Chakraborty managed to recover the minor girl. The Riya Debnath came to Kailashahar Women PS on 06.01.2024 along with mother of Bishal Chakraborty. Said Bishal Chakraborty allegedly kidnapped the girl but did not report to the Police Station. After recovery of the girl she was handed over to her guardian.

  
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It is categorically stated that initially guardians of the minor were not willing to register any case but after 5 days they submitted FIR before Kailashahar Women PS against Bishal Chakraobrtly. Accordingly a specific case bearing No. 2024WKS003 dated 11.01.2024 U/S-417/363/376 (2) (n)/506 of IPC & Section 4 of POCSO Act, 2012 was registered. Investigation was arranged, medical examination of the victim girl was made, her statement was recorded U/S 164 Cr.PC. Victim in her statements stated that she had left her home voluntarily with Bishal Chakraborty making an allegation that she did not want to marry a person with whom her parents fixed her marriage. Investigating officer have been taking all efforts to arrest the principal accused persons Bishal Chakraborty, call data recorder (CDR) of his mother's mobile number and other family members were analyzed. It revealed that Bishal Chakraborty did not use any mobile. The family members of Bishal Chakraborty were thoroughly interrogated to know whereabouts of Bishal Chakraborty. Raids were also conducted in the house of Bishal Chakraborty, situated at Pratapgarh Agartala. After receiving a court complaint vide No. 24 dated 29.01.2024 police came to know that the minor girl Riya Debnath has again been missing for the second time from 25.01.2024. But parents of Riya did not inform police regarding her missing. So, prompt action could not be taken by police to trace out her or to prevent their movement to some secured place. It is alleged that parents of Riya were non co-operative as they did not respond to police timely and effectively. They also did not allow police to publish her photographs to facilitate effective search. However, it is claimed that police has been trying to trace out Riya and is in constant touch with her parents but no specific clue has been found so far. The above report was

  
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submitted on the basis of report submitted by SP, Unakoti. The operative portion of the report reads as follows:-

*“The matter was enquired into and a detailed report has been furnished by the Superintendent of Police (Unakoti), Kailasahar, Tripura. It has been revealed that on 29.12.2023 morning at about 0630 hrs, a minor girl namely, Riya Debnath left home for morning walk but did not return home. Her parents were worried and searched at all probable places but failed to trace her out. On 04.01.2024 they approached Kailashahar Women Police Station for recovery of their missing minor daughter and O/C Kailasahar Women PS immediately started enquiry into the matter.*

*It was learnt that Bishal Chakraborty S/O Sri Basudeb Chakraborty of Sadhutilla, Pratapgarh, PS- East Agartala had kidnapped the minor girl, Riya Debnath. It was further revealed that she, along with Bishal Chakraborty, was going out of the state by Train. On strong and persisting persuasion by police through the family members of Bishal Chakraborty, they returned to Tripura. On 06.01.2024 Riya Debnath came to Kailasahar Women PS along with Bishal Chakraborty’s mother but Bishal did not come to the Ps. After recovery of the minor girl, she was handed over to her guardian. Initially, her parents were not willing to register any case but 05 days they came to Kailasahar PS and submitted a complaint against Bishal Cjhakraborty.*

*Accordingly a specific case was registered at Kailasahar Women PS vide no. 2024WKS003 dated 11.01.2024 U/S 417/363/376 (2) (n) / 506 of IPC & Section 4 of POCSO Act, 2012. Soon after registration of the case the Investigating Officer arranged for her medical examination,*

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*recorded judicial statement U/S 164 Cr.PC and accomplished all other necessary legal formalities. In her judicial statement, Riya stated that she left her house voluntarily with Bishal Chakraborty as she was not willing to marry the person her parents have fixed her marriage with. The Investigating Officer is taking all efforts to arrest the accused person Bishal Chakraborty.*

*As Bishal Chakraborty did not use any mobile, the CDR of his mother's mobile and other family members were analyzed. The family members of Bishal were interrogated thoroughly to know about his whereabouts and raids were conducted on several dates in the house of Bishal at Pratapgarh, Agartala to arrest him.*

*After receiving the court complaint vide no. 24 dated 29.01.2024, police came to know that the minor girl Riya Debnath has been missing for the second time from 25.01.2024. But Riya Debnath's parents did not inform police regarding her missing. So, prompt action could not be taken by police to trace her out or to prevent their movement to some secured place. Riya Debnath's parents were also non co-operative as they did not respond to police timely and effectively. They also did not allow police to publish her photographs to facilitate effective search. Police is trying to trace out Riya Debnath and is in constant touch with her parents but no specific clue has been found so far.*

*After registration of the court complaint vide no. 2024WKS008 dated 23.02.2024 U/S 366/506/342 of IPC, Bishal's mother and his brother-in-law were arrested for abetting the crime. However, during their examination they claimed that they were no more in touch and did not have any clues about his location. The investigation of the case is going on".*

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3. Commission supplied a copy of that report to the complainant inviting his response in respect of the report. Accordingly, On 17.12.2024 the complainant submitted a written response enclosing good number of the documents. In the written response complainant disputed the allegation that after the girl was found missing second time police was not informed. It is stated that on 25.01.2024 a missing dairy was made in the Kailasahar PS for which no receipt copy was given by Women PS. The complainant also disputed the allegations that he did not co-operate with the police personnel. In addition it is also mentioned that Bishal Chakraborty, the principal accused made a call to the elder daughter of the complainant and also threatened her. In addition through Facebook Messenger he abused her and threatened her to withdraw the police case otherwise the minor girl would be subjected to illegal trafficking and also demanded Rs. 50,000/-. The Complainant claimed to have submitted screenshots copies of those documents and also claimed that he informed all those matters to the Police.

The copies of the screenshots as submitted by complainant shows that said Bishal Chakraborty used some abusive sentence in social media towards the complainant's wife and daughter and also demanded Rs. 50,000/-. But the complainant failed to enclose any documents to show that on 25.01.2024 he gave a missing dairy at Kailasahar Women PS. Whatever may be the case, it is clear that the minor daughter of the complainant was kidnapped second time and she could not be recovered till today. It is also clear that in social media the principal accused used abusive language and placed illegal demand of Rs. 50,000/- . There is no evidence on record that the complainant second time gave information to the Kailasahar Women PS regarding missing of his minor daughter.

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4. The bare incident of a criminal act does not come within the purview of Human Rights Commission unless human rights of the complainant has been found violated by the state or by any public servant. The complainant lodged a FIR, police also received the FIR in respect of kidnapping of the victim girl. It is clear that the victim girl was first recovered with the assistance of Kailasahar Women PS and she was handed over to the complainant and during that time initially complainant or any relatives of the minor girl was not agreeable to lodge any case but after 5 days complainant lodged FIR against the accused. During that time judicial statement of the victim girl was ~~also~~ recorded, medical examination of the victim girl was also made. The victim during judicial statements claimed that she left with the accused at her own as she was not ready to marry a person with whom her parents had fixed her marriage. It is quite possible that for some weakness she might have given that statement. In the entire scenario, the Commission did not find that any State agency or State Govt. such as Kailasahar Women PS or any other Superior Authority has violated the human rights of the complainant. After alleged kidnapping of the victim for the second time, no FIR was lodged by the complainant. It is not proved that the complainant submitted FIR second time and Kailasahar Women PS or any other authority denied to register any case. So the Commission finds that the entire matter is beyond the purview of this Human Rights Commission. So far as criminal case or recovery of the victim are concerned, police has been taking measures and matter is pending before police. The Commission finds that the complaint of the complainant has got no merit in respect of violation of his human rights. The power of THRC is limited to violation of human rights of any persons by a State

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or State Authority. In the instant case an individual has committed an offence by kidnapping the minor girl of the complainant and for which due action has already been taken from Kailasahar Women PS. There is no allegation that the human rights of the complainant has been violated by the State or State agencies or public servants. This Commission finds that matter is beyond the purview of Human Rights Commission. Accordingly the Commission considers that further inquiry in this regard is unjustified. Hence, further inquiry of this case is closed finding the subject matter of the complaint is beyond the purview of this Commission.

Inform accordingly to the complainant.

*Done 9/11/25*  
**(UDIT CHOUDHURI)**  
**MEMBER**