

FORM II

**TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN, AGARTALA**

ORDER SHEET

Complaint No. 93 of 2024

(Complainant: Sri Sudip Chandra Nath)

S.L	DATE	ORDER	NOTE
03	29.01.2025	<p>On 07.12.2024 complainant Sudip Chandra Nath of Radhanagar, Agartala, having mobile no.7005276609 has submitted a complaint alleging that his wife who happens to be a Govt. Teacher left his house with their minor daughter aged about 7 years and started living in a rented house elsewhere. His daughter is a student of Tulsibati School, he went to meet his daughter on 20.11.2024, but his wife lodged a complaint against him in west Agartala Women PS where from the police personnel of West Agartala Women PS over phone directed him not to meet with his daughter in school without permission from court. He approached Tripura State Child Right Commission for mitigation and accordingly, he attended that Commission but his wife did not attend.</p> <p>The Complainant alleged that he being a father has a right to meet his daughter but police personnel of West Agartala Women PS resisted him and deprived him from meeting his daughter and thereby violated his human rights. He prayed for taking action against the police officer of West Agartala Women PS and also to allow him to meet his daughter.</p> <p>Before taking formal cognizance, this Commission sent the</p>	

complaint alongwith enclosures to SP, West Tripura to inquire into the matter and to submit a report. Accordingly a report has been submitted by the Superintendent of Police which was forwarded from the office of DGP, Tripura by AIGP (Crime).

The report reads as follows:

“ Sub- Submission of report in connection with THRC complaint No. 93 of 2024

Sir/Madam,

This office has received a letter a/w order sheet dated 07/12/2024 from Tripura Human Rights Commission in connection with complaint No. 93 of 2024 to submit a report in this regard. (Copy enclosed).

Accordingly, the matter has been forwarded to SDPO (Sadar) for enquiry and to submit a report. From the report, it is transpired that on 21.11.2024, the wife of Sri Sudip Ch. Nath namely Smt. Sima Debnath appeared at West Agartala Women PS and submitted a written complaint against her husband alleging that she was tortured by her husband since few days of her marriage. In the month of September, 2024, she was bound to leave her husband's house along with her daughter and took shelter in a rented house. But her husband went to her rented house also and abused her physically and mentally. On the basis of this complaint, a case has been registered at West Agartala Women PS vide case No. 2024WAW059 dated 21.11.2024, U/s 85/351(3) BNS and WASI Mina Rani Sinha was entrusted to investigate the case.

During investigation, IO of the case has examined the

complainant and other available witnesses and it is came to light that on 20.11.2024 the daughter of the complainant namely Miss Arghasree Nath (7 yrs) went to her School in a rented Auto and when the said auto reached in front of Maharani Tulsibati School, Agartala, her father started quarrel with the auto driver namely Goutam Datta in presence of his daughter and also want to take his photo without his permission. On these, the daughter of the complainant expressed to her mother that she is not willing to meet with her father due to his aggressive behaviour. The complainant also requested the IO to communicate with her husband and told him not to meet with his daughter considering her mental condition. Accordingly, IO of the case contacted with Sri Sudip Ch. Nath over telephone told him not-to meet with his daughter.

During investigation the driver of the Auto (B/R No. TR01F3330) namely Sri Goutam Datta was examined by the IO of the case and he also corroborated the fact.

It is true that the IO of the case told Sudip Ch. Nath not to meet with his daughter on humanity ground considering the mental condition of his daughter and as requested by the mother of the child namely Smt. Sima Debnath. It is also to mention here that the West Agartala Women PS case No. 2024WAW059 filed against Sri Sudip Ch. Nath is under investigation.

This is submitted for perusal please."

Alongwith the report a copy of the complaint addressed to Chairman, Tripura State Women Commission and another

letter addressed to Chairperson, Tripura State Child Right Commission by the complainant are also enclosed.

Today also received one letter from the complainant where he claimed to be a reporter and prayed to arrange for meeting of his child with the intervention of this Commission. Perused the record meticulously also examine the report of the SP, West. Report of the SP, West shows that based on a complaint of Smt. Sima Debnath, W/O Sudip Ch. Nath Agartala Women PS registered a case barring No.2024WAW059 dated 21.11.2024, U/S 85/351(3) BNS and WASI Mina Rani Sinha was entrusted to investigate the case.

The report shows that on 20.11.2024 the daughter of the complainant namely Miss Arghasree Nath, a child of 7 years went to her school in a rented Auto and when the said auto reached in front of Maharani Tulsibati School, Agartala, her father started quarrel with the auto driver namely Goutam Datta in presence of his daughter and also wanted to take photo without his permission. On these, the daughter of the complainant expressed to her mother that she was not willing to meet with her father due to his aggressive behavior. The wife informant also requested the IO to communicate the father complainant and told him not to meet with his daughter considering her mental condition. IO of the case contacted with the present complainant Sri Sudip Ch. Nath over telephone and told him not to meet with his daughter.

During investigation, the driver of the said auto (B/R No. TR01F3330) namely Sri Goutam Datta was examined by the IO and he corroborated that fact. The report shows that the SP, Urban, West Tripura admitted that IO asked the present complainant Sudip Chandra Nath not to meet his daughter on

humanitarian ground, considering the mental condition of his daughter. Side by side it is also mentioned that the aforementioned Women PS registered a case against the present complainant Sudip Ch. Nath and that is under investigation.

On examination of the record it ^{is} revealed that the matter relates to a child. If the child is frightened by seeing her father, it would be totally unjustified to cause further injury to the child's mind. Since a case is pending before the Women PS and the allegation appears to be matrimonial in nature, jurisdiction lies on the family court. Report shows that the police only requested the husband complainant not to meet to the child considering the fact that the child's mental condition might be affected. Thus there is no violation of human rights of the complainant by police.

The Commission also considers that in such circumstances the Commission should not interfere. The complainant however is at liberty to knock the door of the family court, Agartala because being a father, complainant has a right to meet his daughter subject to mental condition of the child.

With this observation, this complaint is thus disposed of.

Send a copy of this order to the complainant. Publish the order of this case in the website of this Commission.


(UDIT CHOUDHURI)
MEMBER