

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

Complaint No. 71 of 2024

Sri Samir Sinha

Vs

Kailashahar PS

FINAL ORDER DATED 29.01.2025

On 09.09.2024 this Commission received one complaint from one Samir Sinha S/O Sachindra Sinha of vill. & Post office- Guldharpur under Kailashar PS, District Unakoti having contact no. 8974571652 wherein he has alleged that he is the owner of Maruti Alto bearing no. TR-02-E -0227. On 20.07.2024 at about 9:00PM on Dharmanagar- Kailashahar National Highway one Bolero vehicle bearing no. TR04-D-1845 dashed his Maruti vehicle from behind coming in high speed. As a result his Maruti vehicle went out of the road and crossing the road side drain stuck against an electric pillar. Immediately neighbouring people and some of his known persons arrived at the place of occurrence and rescued him, three other injured persons from his vehicle and took all of them to Kailashahar District Hospital. It is alleged that the Bolero vehicle was loaded with some articles. Seeing police driver of the Bolero vehicle bearing No. TR-04-D-1845 had run away. Police subsequently after observing the place of occurrence took videograph of the area and also shifted the Bolero vehicle. He claimed that on 22.07.2024 he lodged an allegation at Kailasahar PS. But police being influenced by the owner and driver of the


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Bolero vehicle did not register any FIR. It is also alleged that police also did not give him any copy of FIR rather asked him to settle the matter after consultation with the owner of the Bolero vehicle and also threatened him that by lodging a case no fruitful purpose would be achieved. He also alleged that without having any order from the court police released the Bolero vehicle. It is further alleged, subsequently he and some of his associates went to Kailasahar PS to inquire into the matter. But police officer present in the hospital did not cooperate and did not inform him anything in respect of his FIR. Rather it was stated that they are not bound to disclose anything to him and to register a case or not totally depends on the will of the police officers. In that circumstance, his Maruti vehicle was lying at the place of occurrence. Under that circumstance, due to harassment by police he reported the incident to the higher authority of the Police and also claimed for justice and damage. Subsequently on 01.09.2024 again he went to Kailasahar PS to inquire into the matter and there an unknown police officer misbehaved with him and his companion and one police officer also asked one constable to arrest him as some of his companion was taking videograph inside the PS. Hence he knocked the door of the Commission seeking redress along with complaint he submitted a copy of the FIR which is submitted before the Kailasahar PS on 22.07.2024. He also submitted one of his representation addressed to the Director General of Police dated 17.08.2024 along with DTDC Service Memo. On perusal of the copy of the FIR as submitted by the complainant it appears that on 22.07.2024 copy of the FIR was

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forwarded to Superintendent of Police, Unakoti and SDPO Kailasahar. SDPO, Kailasahar received it on 22.07.2024 and SP, Unakoti received it on 24.07.2024. The allegations of the complainant shows, violation of his human rights to live with dignity and honour and accordingly Commission took cognizance of the matter on 09.09.2024 and sent a copy of the complaint and annexed document to the DGP, Tripura to inquire into the matter and to submit the details report within three weeks.

2. On 05.10.2024 from the office of the DGP, Tripura AIGP (Crime) has submitted report read as follows :-

"Please refer to the letter of Secretary, Tripura Human Rights Commission, Kunjaban, Agartala vide No. THRC/3884 dated 11/09/2024 on the subject cited above.

The matter was enquired by the SDPO (Kailashahar) and a detailed report has been furnished by the Superintendent of Police (Unakoti), Kailashahar, Tripura. It has transpired that on 20/07/2024 night at around 2100 hrs, there was a road traffic accident at Chirakuti, near Tilakpur road. There was a collision between a Bolero Goods Carrier vehicle bearing no.TR 04-D-1845 and a Maruti Alto car bearing no.TR 02-E-0227. On receipt of information, the Police mobile party reached the spot and found that the Bolero pickup vehicle (TR04-D-1845) and the Maruti Alto (TR02-E-0227) were lying on the roadside. Due to the accident, the back and front side of Maruti Alto was badly damaged and the front bumper of the Bolero was partially damaged. Police party brought the Bolero at PS and kept it in PS custody as it was loaded with items like Potato, Onion, Oil, etc. The front and rear side of the body and

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the wheels of the Alto were damaged, so it could not be shifted anywhere. Besides, it was not creating any obstruction to the traffic flow on the road. It was learnt that the owner of the Maruti Alto was also from the same locality and so the vehicle was kept on the road side with the help of local people. The matter was informed to the owner of the Alto car. The mobile parties of Kailasahar PS were also briefed by the O/C PS in this regard.

Subsequently, OC Kailasahar PS called the owner of Maruti Alto namely, Samir Sinha of Goldharpur PS- Kailashahar and the owner of Bolero several times to come at PS. The owner of Bolero namely, Prabir Ghosh came to Kailasahar PS on call, for his vehicle. But the owner of Maruti Alto, Samir Sinha informed that he was badly engaged with election works in c/w General Panchayet Election 2024. He was also informed through PS Dak duty to appear at PS to submit complaint about the accident with all relevant documents of his vehicle. But he did not turn up at PS.

The grocery articles loaded in the Bolero TR04-D-1845 started to decay and so O/C Kailasahar PS arranged mechanical inspection of that vehicle by MVI and after getting the MVI report, the vehicle was released by OC Kailasahar PS on bail to its actual owner with a condition that he would produce the vehicle as and when called for.

On 23/08/2024, Sri Samir Sinha sent one complaint against the Bolero B/R No. TR04-D-1845 but on perusal of the said complaint it was found that the petitioner did not mention the registration number of his vehicle in the said complaint and the application was signed on back date i.e. two days after the incident. O/C Kailasahar PS communicated the owner of Maruti Alto, Samir Sinha over mobile

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phone (which he had mentioned in his written complaint) to add the registration number of his vehicle in the complaint. But Samir Sinha did not turn up at Kailasahar PS to submit a fresh complaint. Finding no response from the petitioner, OC KLS PS on 23/08/2024 registered a specific case based on the above noted complaint vide Kailashahar PS Case No. 2024KLS094 U/S-281/125/324(4)(5) of BNS dated 23/08/2024 and endorsed SI Ujjal Chowdhury of Kailasahar PS for its investigation.

During the investigation of the case, I/O visited the PO, seized the Maruti Alto and arranged to shift the same at PS from Chirakuti by using a private crane. The I/O also arranged to seize the other involved vehicle, ie the Bolero along with all relevant documents of the vehicle as well as the driving license of the driver, as produced by the owner of the vehicle at Kailasahar PS. The I/O also called Samir Sinha and asked him to produce all documents of his vehicle at Kailasahar PS. On 01/09/2024 he appeared with some people before the I/O of the case but did not produce any relevant document of his vehicle. Regarding non production of documents, he could not give any satisfactory reply but he assured that he would produce the documents within a few days. It is not a fact that police officer or Kailashahar PS staff misbehaved with him or his witnesses. Later, as the complainant Samir Sinha did not produce any documents, the I/O of the case sent a notice to him U/S 133 of MV Act on 07.09.2024 and 14.09.2024 but both the time, he refused to receive the notice. However, on 23.09.2024 the I/O arranged to send the same notice to the postal address of Samir Sinha (owner of TR02-E-0227 Maruti Alto) through Post office.

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This is for information and doing the needful please".

3. Copy of that report was sent to the complainant to submit his written response and the complainant on 30.11.2024 has submitted his response through courier service. The complainant in that report almost taken the same have mentioned in the FIR. But in the written response he claimed that on the date of incident police arrived at the place of occurrence within 20 minutes and observed the place of occurrence and subsequently, on 22.07.2024 he lodged FIR and thereafter on several occasions without being caused by police he visited the Kailasahar PS and tried to inquire into the matter. But unfortunately, the In-charge O/C as advised to mitigate the matter and also inform him that lodging a case no fruitful purpose would be served and he could arrange compensation of Rs. 25,000/- to 30,000/- and also will arrange the compensation from insurance and advised him to change the complaint by saying that some unknown vehicle has dashed his vehicle and he claimed that he had audio recording of the said fact. It is also alleged that the said police officer threatened him that otherwise he would tear this case. The complainant did not agree to the illegal proposal and did not gave any assistance even after repeated visit to the PS and became the victim harassment of police. He denied the allegation that on 30.09.2024 police officer did not give even after calling him. He also denied the allegations that he did not lodge the FIR on 22.07.2024 because on the same date copy of the FIR was received by SDPO, Kailasahar. But he admitted that at that time he did not mention the number of his vehicle. According to him for about one month police did not


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register the case and O/C Kailasahar and I/O knew the reason about to the delay. He also claimed that on 31.08.2024 when he again went to the PS then one unknown police officer who was In-charge of the PS behaved unmannerly with him and in presence of his witnesses asked a constable to arrest him because one of his companions took videographs of the PS. He claimed that his only source was the income derived from his Maruti Alto vehicle. Due to damage of his vehicle in the said incident, his income source was ruining and he was facing financial problem.

4. In view of the response of the complainant, he was asked to adduce oral or documentary evidence if any. Accordingly, complainant appeared and gave his evidence which reads as follows:-

"I Sri Samir Sinha (38), S/o Sri Sachindra Sinha, private driver by profession, Indian by nationality, hindu by religion and a resident of Goldharpur, Kailshahar Police Station, Unakoti Tripura do hereby solemnly affirm and on oath say as follows:

I have a private Maruti Alto Car bearing registration No. TR-01-2 E 0227. The car is insured under Insurance Policy No. 2302101426695600000 which is valid up to 03/03/2025. I have a Driving License bearing no. TR0220250017994 which reflects my date of birth as 06/03/1987 and it is valid up to 09/03/2035 and it was issued on 10/03/2015. The pollution certificate in respect of my vehicle has already been seized by the police, but I brought a screen report of my vehicle from DTO, Unakoti District. The pollution certificate was valid up to 19/08/2024. The incident took place on 20/07/2024.


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In my complaint I lodged that on 20/07/2024 at about 9 pm at Tilakpur area on Kailashahar-Dharmanagar road, my Maruti vehicle bearing Reg. Mo. TR-01-E 0227 which was being driven by me was dashed from behind in a high speed by a Bolero vehicle bearing Reg. No. TR-04-D 1845, as a result of which my vehicle have crossed the road side drain and got attached to an electric pole nearby. Immediately, the people of the locality gathered on the spot. At that relevant time there were five persons including me as the driver and one child inside my vehicle. Myself and my wife were severely injured. Subsequently, ambulance arrived and shifted us to the nearby Kailashahar District Hospital. The driver of the Bolero vehicle which dashed my vehicle fled away from the spot leaving the vehicle.

Subsequently, I learnt that police arrived and visited the place of occurrence and seized the Bolero vehicle and took it with them. My vehicle which was badly damaged due to the incident was lying in the place of occurrence.

Regarding the matter I lodged a complaint before the O/C Kailashahar PS on 22/07/2024 after I was discharged from the Hospital. Police did not give me any receipt copy of the FIR nor registered any case. On my FIR, I marked a copy to the SP, Unakoti and SDPO, Kailshahar. I have submitted a copy of the same along with my complaint.

Due to rash & negligent driving by the driver of the Bolero vehicle, my vehicle was badly damaged and as a result I and my wife also got severely injured. Since police did not receive my complaint, I also gave intimation to the DGP, Tripura and prayed for justice.


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At the time of lodging FIR, I committed a mistake to mention the registration number of my vehicle. So, on 23/07/2024, I, accompanied with my witnesses went to the PS with a request to mention the registration number of my vehicle in my FIR. The police officer sitting in the receipt Section told me that it would not be required and the matter would be disclosed in the investigation.

Thereafter, in the first week of August-2024, I along with 4/5 other persons of my locality visited PS on being called by Sri Ujjal Chowdhury, the I/O of the case. The I/O then began to record my statements. Subsequently, one constable of the police complained that some of the persons who accompanied me in the PS were taking videograph. On that, the police officer pushed out those persons outside the PS and asked me to remain there in the PS and asked the other police personnel to arrest me. I inquired them as to my fault. And on such protest he allowed me to go. I found myself in a humiliated situation. The I/O wanted to seize the documents of my vehicle but at the relevant time I was having only the Xerox copies with me. The police officer demanded the original documents and accordingly he asked me to produce the original documents after few days.

In the mean time my mother became ill and I had to take her to NEIGRIMS Hospital, Shillong for her treatment in the month of September-2024. After 3-4 days we returned home. In the mean time police issued notices to my house address for producing the original documents, but the notices remain unserved since nobody was there during our absence. After we returned I received another notice through post office for producing the documents and accordingly, on

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the following day, perhaps on 31.10.2024, I went to the PS along with the original documents and police seized those documents and those documents were released to me on bail.

It should be mentioned here the in the last week of July, 2024 when I visited the PS, the O/C, Sri Sukanta Sen Chowdhury gave a proposal to me to compromise the matter. Ultimately, amount was fixed to Rs. 40,000/- (forty thousand), but at that time O/c asked me to give a document in writing stating that I could not remember the registration of the Bolero vehicle which dashed by vehicle. But I did not accept the illegal proposal and as such, the matter was not compounded.

Thereafter, the O/C stated to me that since I did not mention the registration no. of the vehicle in the complainant he would tear out and destroy the FIR.

On 11.11.2024, I revisited the PS and met with the I/O of the case and produced the MVI report in respect of my vehicle and he asked me that my vehicle might be taken by me on bail. Since the vehicle was badly damaged and I lost my earning source, I failed to take my vehicle for repairing.

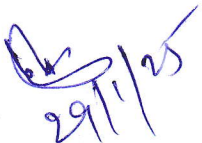
The report from the office of the DGP, Tripura as sent to me shows that I did not go to the PS and did not submit the documents on time, are all false. I have narrated the actual incident before the Commission.

Since I was humiliated and harassed by the police with no fault of mine, I want justice in that matter".

The complainant however has failed to adduce any documentary evidence including audio recording. He has claimed

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that the O/C Sukanta Sen Choudhury gave a proposal to him to compromise the matter and ultimately amount was also fixed Rs 40,000/- but at that time O/C asked him to give a document in writing stating that he could not recollect the registration of the Bolero vehicle which dashed his vehicle and he did not except the illegal proposal which has got no corroboration. His evidence shows that he has some grievances against police of Kailasahar PS. According to him he lodged the FIR on 22.07.2024 but police did not give him any received copy of the FIR nor register the case and on his FIR he marked a copy to SP, Unakoti and SDPO, Kailasahar and he submitted copy of the FIR before this Commission. But his evidence shows that ultimately police has registered the case on the basis of his FIR and police also seized his vehicle and documents from him. On 1st August, 2024 on called by Sub-Inspr. Ujjal Choudhury he went to the PS and during that time some other persons also accompanied him and when I/O Ujjal Choudhuty was recording the statement some constables reported that some of his companions were taking the video. That police officer pushed out those personnel outside the PS and asked him to remain there in the PS and also asked other police personnel to arrest him. When he inquired from them about his fault, on his protest he was allowed to go and he found himself humiliated. The I/O wanted to seize the documents of his vehicle but at the relevant time he was having only Xerox copies but the police wanted original documents. Accordingly he sought for few days. In the meantime due to mother's illness he had to go to Shillong for treatment and after three four days he returned home. Meanwhile police issued

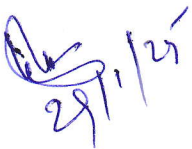

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notices to his house for producing of the original documents but notice was unserved since there was nobody to receive the notice and after he returned he received another notice through post for producing the documents. Accordingly, on 31.10.2024 he went to the PS with all original documents and police sized those documents. Again on 11.11.2024 he revisited the PS, met with the I/O of this case and produced the MVI report in respect of his vehicle and there he was asked to take the vehicle on bail but since the vehicle was badly damaged and he lost his earning source, he failed to take his vehicle for repairing. He denied the allegations that he did not go to the PS and did not submit the documents on time.

5. Since there was some imputation against I/O Ujjal Choudhury and O/C Sukanta Sen Choudhury the Commission issued notice to them for their examination and accordingly O/C Sri Sukanta Sen Choudhury and Ujjal Choudhury appeared before the Commission and gave their statement on oath. The statement of Sri Sukanta Sen Choudhury reads as follows:-

"I Sri Sukanta Sen Chowdhury (46), S/o Lt. Niranjana Sen Chowdhury, presently posted as O/C Kailashahar PS, Indian by nationality, Hindu by religion and a resident of Gajaria under Belonia Police Station, South Tripura do hereby solemnly affirm and on oath say as follows:-

On 20/07/2024 I was posted as O/C Kailashahar PS. On that day at around 9:30 to 10 pm, I was on patrolling duty nearby Kailashar-Dharmanagar road and during that time one motor accident took place on Kailashahar-Dharmanagar road in which one


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Bolero pick up vehicle loaded with grocery items bearing registration no. TR-01 D 1845 dashed a Maruti Alto car bearing registration no. TR-01 E 0227, which was coming from Tilakpur road. The Bolero vehicle dashed the Maruti Alto car from behind. Some persons were injured. On information, fire service rushed to the spot. I also reached the spot after some time. Seeing the scenario, it appeared that the Maruti Alto car was coming from Tilakpur side and the Bolero car loaded with grocery items was coming towards Kailashahar from Dharmanagar side in a high speed and it could not control itself seeing the sudden appearance of the Maruti Car from Tilakpur road and dashed it from behind. Due to the said incident the Alto vehicle was severely damaged and it went outside the road and was lying by, attached with an electrical pole. The driver Samir Singha, his wife and a child were injured. Before I reached to the spot, the injured persons were shifted to the District Hospital, Unakoti. I arranged the shifting of the Bolero vehicle by arranging a separate driver, since the driver of the Bolero fled away immediately after the accident. The driver left the keys of the vehicle in the vehicle itself. The Maruti car was kept in that area, since free flow of traffic was not disturbed. Sri Samir Singh was the driver cum owner of the Maruti Vehicle. He was the complainant of the case.

Regarding the allegation of the complainant, that on 22/07/2024 he lodged the FIR at Kailasahar PS, but police did not give him any receipt of the same. I can say that I could not trace out that FIR in the PS. I also cannot say when was the FIR lodged, but a copy of the same was given to the SDPO, Kailsahahar and SP, Unakoti.



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Subsequently, case was registered on 23/08/2024, after the original FIR was traced out. It should be mentioned here that the informant failed to mention the registration no. of his vehicle in the FIR.

On 22/07/2024, after returning to the PS one GD was entered bearing no. 47 at around 23:58 hours, wherein, it was reported by me that the vehicle bearing no. TR-01 D 1845, a Bolero vehicle was going towards Kailashahar from Dharmanagar side and while coming towards Chirakoti tri junction in a high speed, at that time one Maruti Alto car bearing no. TR-01 E 0227 took turn towards left side, which I mentioned as a wrong side and due to the sudden turn by the Maruti Alto, the Bolero could not control its balance and dashed the back side of the Maruti Alto. I have also submitted a copy of the GD entry before this Commission.

After receiving the FIR, we have registered Kailashahar PS Case No. 2024 KLS 094, U/S 121/125 and 324 (4) (5) of BNS and the case was endorsed to S.I. Ujjal Chowdhury. I believe, the investigation might be completed by this time, but I cannot say whether the matter was sent to the Court or not.

Regarding the allegation, that in the month of August 2024, when the complainant went to the PS along with some persons, one of the persons who went with him was taking video inside the PS and seeing that, some police officers pushed them out side of the PS and asked me to remain present in the PS and some other police personnel were instructed to arrest the complainant and when he was inquired about his fault, he was allowed to go and as such, he found himself humiliated, I can say that I was not present in the PS


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at that time and not involved in that incident, but subsequently, he came in the PS and came to know that a third person was recording video inside the PS and that was opposed by the police, beyond that I have no knowledge. The complainant lodged a false complaint that before registration of the case, when he visited PS, I gave him a proposal for compromising the matter at Rs. 40,000/-, however, I directed him to give the documents as he did not mention the registration number of his vehicle. I deny all those allegations. I have submitted the injury report of the complainant”.

6. The statement of I/O Sri Ujjal Choudhury reads as follows:-

“I, Sri Ujjal Chowdhury (40), S/O Lt. Gouranga Prasad Cjowdhury, Sub-Inspr. of Police posted at Kailashahar PS, Religion-Hindu, Nationality - Indian, Resident, Siddhi Ashram, under Amtali PS, West Tripura do hereby solemnly affirm and on oath say as follows:-

Regarding the incident of accident in respect of complainant Samir Sinha I came to know about the matter only on 23.08.2024 after registration of the case and thereafter I was made investigation officer of the case. Regarding the allegations of complainant that in the month of August, 2024 complainant along with 4/5 others of his locality on call by me visited the PS and I started to record their statements and one constable complained that some of persons accompanying complainant were taking videographes and at that police officer pushed them outside the PS and asked the complainant to remain present in the PS and also asked other police personnel to arrest the complainant and when he inquired as to his fault then he was allowed to go and he felt himself


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humiliated. I can say that I also did not notice videography incident allegedly done by his associates and I believe that those were false allegations.


Basically I called him for the purpose of recording his statements and for seizure of relevant documents. But he failed to produce the documents on that very date. Though subsequently he produced the documents after he was giving three notices for producing the same. I seized the documents on 31.10.2024. I denied the allegations that some police personnel was asked to arrest the complainant.

I have been serving as Sub-Inspector since 2012. I did not give any intimation to Motor Accident Claim Tribunal regarding the incident of accident and in that regard I have no explanation.

Investigation has already been completed and I already submitted SR. Also received approval and very soon Charge Sheet will be submitted and DAR will be submitted soon to the Motor Accident Claims Tribunal.

I have no knowledge whether there was any attempt to compound the matter from the side of Police”.

7. On careful perusal of the statement of O/C Sukanta Sen Choudhury it appears that on the alleged incident i.e on 20.07.2024 at about 9:30 to 10:00 PM he was on patrolling duty near Kailashahar-Dharmanagar road and receiving one motor accident information on Kailashahar -Dharmanagar road involving one Bolero pickup vehicle loaded with grocery item bearing registration No. TR-02-D-1845 and one Maruti Alto car bearing No. TR-01-E-0227 which was coming from Tilakpur side he went

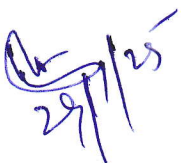

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there. He also supported the fact the Bolero vehicle dashed the Maruti Car from behind and some persons were injured. On information Fire Service also rushed to the spot. He reached the spot after sometime, since the scenario it appears to him that Maruti Alto was coming from Tilakpur side Bolero vehicle loaded with grocery items was coming towards Kailashahar from Dharmanagar side in high speed and he could not control itself since sudden appearance of the Maruti car from Tilakpur road and dashed him from behind. He supported the complainant claim that the Alto vehicle was severely damaged and he went outside the road and was lying attached with an electrical board. The complainant driver Samir Sinha, his wife and a child were injured. Before he reached the spot, injured was shifted to District Hospital. He also arranged shifting of the Bolero vehicle by arranging separate driver since its driver already fled away immediate after the accident leaving the key in the vehicle itself. The Maruti Car was kept in that area since free flow of Traffic was not disturbed. He supported claim of the complainant that complainant Samir Sinha was a driver cum owner of the vehicle. Regarding the allegations of the complainant that on 22.07.2024 he lodged the FIR at Kailashahar PS and that police did not give him any receipt, he only stated that he could not trace out the FIR in the PS. He could not say when the FIR was lodged but admitted that copy of the FIR was given to the SDPO, Kailasahar and SP, Unakoti. Subsequently, case was registered on 23.08.2024, after the original FIR was traced out. He mentioned that informant failed to mention the registration number of his vehicle in the FIR. The Commission

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considered that the ejahar of the complainant is not vital since the O/C admitted that he went to the PS with specific information in respect of the registration number of the respective vehicle. His evidence shows that on 20.07.2024 returning PS he made entry GD entry No. 47 at around 23:58 hrs wherein he reported that when a vehicle no. TR-01-D-1845 Bolero was going towards Kailashahar from Dharmanagar side and while coming towards Chirakoti Tri-Janction in a high speed at that time one Maruti Alto car bearing no. TR-01E-0227 took turn towards left side which he mentioned as a wrong side and due to sudden turn by the Maruti Alto, the Bolero could not control its balance and dashed the back side of the Maruti Alto. He has also submitted the copy of the GD entry before this Commission. The Commission could not understand why taking left side turn was mentioned as wrong side because left side turning is always free in absence of restriction. According to him, after receiving the FIR they have registered Kailasahar PS Case No. 2024KLS094 U/S 121/125 and 324 (4) (5) of BNS on 23.08.2024 and the case was endorsed to SI Ujjal Choudhury. The Commission cannot understand why the O/C did not registered the case Suo-Motu when the GD entry No. 47 dated 20.07.2024 clearly indicates rash and negligent driving of the Bolero vehicle. So it appears that police was reluctant to register a case. The record shows that the FIR was registered on 23.08.2024, after one month of the alleged incident.

Section 173(3) of BNSS now introduces the concept of preliminary inquiry before registering an FIR, aimed at determining the existence of prima facie case involving cognizable


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offence punishable with imprisonment between 2/7 years and this inquiry must be completed within 14 days. In this particular case, the very GD entry No. 47 dated 20.07.2024 clearly shows that O/C was satisfied about the Commission of a cognizable offence. So the O/C Sukanta Sen Choudhury should have registered a case and should not have waited for FIR from the complainant. But conduct of the O/C clearly shows that he did not discharge his official responsibility being O/C of the PS and intentionally did not register the case for investigation. This is a serious latches on the part of O/C.

Regarding allegations of the complainant that in the month of August, 2024 when complainant went to the PS along with some persons, one of those persons accompanying him was taking video inside the PS and seeing that some police officer pushed them outside of the PS and asked him to remain present in the PS and some other police personnel also instructed to arrest the complainant and when the complainant was inquired about his fault he was allowed to go and he felt humiliated, O/C stated that he could not say anything as he was not present in the PS at that time nor he was involved in that very incident. But subsequently when he came to the PS he came to know that a third person was recording video inside the PS and that was opposed by police. O/C however, denied the allegation of the complainant that before registration of the case when he visited the PS, O/C gave him a proposal to compound the matter at Rs. 40,000/-. It is clear that Commission of cognizable offence was very much established in the GD No. 47 dated 20.07.2024 and O/C intentionally did not

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register the case. Even after filing a written ejahar on 22.07.2024 O/C did not register a case and ultimately he registered the case on 23.08.2024 and that was after the statutory period of time for preliminary inquiry. This is a serious latches and this indicates about the genuineness of the allegation of the complainant that before registering the case O/C gave proposal to settle the dispute between the complainant and owner of the involved Bolero. Being a police officer it is not expected from an O/C of a Police Station. It is further revealed that in the process of compounding the case to put pressure upon the complainant inside the PS, police officers also misbehaved with him. People generally go to the PS for lodging complaint under special circumstances, if an offence is committed. It is expected that police officer should always be polite with the complainant. The dealing of police personnel of Kailasahar PS with the complainant was definitely not polite which raised grievances in the mind of the complainant. The police officers should restrain themselves from behaving with the complainant or informant while visiting the PS seeking some redress. On perusal of the evidence of I/O Ujjal Choudhury, it appears that he did not claim to have any knowledge, before the case was endorsed to him for investigation. Complainant also did not lodge any allegation against him. But during examination I/O admitted that after the case was registered and it was endorsed to him for investigation, he did not give any intimation to the Motor Accident Claimed Tribunal regarding the incident of accident and in that regard he has got no explanation. This may be the lack of knowledge of the I/O. So regarding motor accident cases, police


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should be made more sensible or proper training should be imparted to them for sensitization.

8. Whatever may be the case, it appears that ultimately police has registered a case and investigation is going on. Regarding the prayer of compensation for damage of the Maruti vehicle of the complainant this Commission has nothing to do. Compensation in respect of motor accident is the subject matter of Motor Accident Claimed Tribunal and in that regard the Commission has nothing to do. In view of the discussion so far the Commission considers it appropriate to give the following recommendation:-

O/C Sri Sukanta Sen Chowdhury knowing it fully well that a motor accident took place which was clear from his GDE No. 47 dated .20.07.2024. But he did not register a case and even after receipt of formal FIR from the complainant on 22.07.2024 did not register a specific case for about 30 days intentionally and deliberately, obviously with some illegal motive and thus committed a serious latches.

(i) The Commission thinks it appropriate to recommend that the complainant shall be given a token compensation of Rs. 25,000/- for his humiliation at Kailashahar PS from the Home Deptt. The Department is at liberty to realize that amount from the pay of O/C Sri Sukanta Sen Choudhury.

(ii) The Commission further recommends that appropriate Departmental action may be taken against the O/C Sukanta Sen Choudhury for not registering FIR knowing it fully well that an offence of rash and negligent driving of vehicle resulting injuries of human being had occurred and for inducing settlement of the

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incident with the owner of the offending vehicle putting pressure upon the complainant.

(iii) The Commission further recommends that police officers of Kailashahar PS be sensitized that due information shall be given to Motor Accident Claims Tribunal immediately after an incident of Road Traffic Accident is reported to the PS resulting injuries or death of human being and not to adopt or take action for outside settlement of such incidents, putting pressure upon the informant/complainant.

(iv) The Commission further recommends that police personnel of Kailashahar PS be sensitized to show good behavior towards the public visiting the PS.

9. With these recommendations, the present complaint is thus disposed of.

10. Send a copy of this recommendation to the Secretary, Home Department and the DGP, Tripura for compliance within one month from the receipt of this order.

List the case after three weeks.

Fix on 12/03/2025

Udit Choudhuri - 29/1/25
(UDIT CHOUDHURI)
MEMBER