


TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN: AGARTALA
Complaint No.92 of 2024
(Complaint by one Swapna Begam)

Final Order
Dated:05.06.2025

Today is fixed for order after perusing of response of the complainant against the report of the DGP Tripura.

On 07.12.2024, cognizance of the case was taken basing on a complaint submitted by one Swapna Begam, alleging that on 06.10.2024, there was a tragic incident occurred between two groups of people and in attempt to restore law & order, police opened firing and as a result, Alfeshani Ahmed, the husband of the complainant, received injury and succumbed to the injuries on the spot. According to police, death of her husband was resulted from the miscreants' firing, but that stated of the police was false. She lodged an FIR to the O/C Kadamtala PS on 02/11/2024. But police did not take any action.

Regarding the said incident, another complaint was received from one Partha Karmkar, Secretary, Tripura State Committee, CPI(M-L) Liberation, Agartala, West Tripura on the same issue and that complaint was also tagged in this case.



The DGP, Tripura, was directed to cause an inquiry into the allegation made in the complaint and to submit a detailed report.

From the office of the DGP, Tripura, a report was submitted signed by AIGP (Crime).

The report received from the DGP, Tripura shows that on 06.10.2024 afternoon, a hot altercation took place regarding Durgapuja subscription between persons belonging to Muslim community and members of a local club, namely, 'Indian Club' at Kadamtala under Dharmanagar Sub-Division, North Tripura District. Subsequently, around 250 persons belonging to Muslim community started road blockade in connection with the incident. On receiving that information, at about 1230 hrs, officers & staff from Kadamtala PS rushed to the spot and brought both the parties, i.e. members of Indian club and agitators, to the Police Station for amicable solution. In the meantime, about 300-400 people from Muslim community started gathering in front of Kadamtala PS, started raising slogans for immediate arrest of the culprits.

In an unprecedented turn of events, a group of people belonging to Muslim Community attacked the house of one Joydip Nath at South Kadamtala based on one social media post. They also damaged some shops belonging to Hindu Community at Kadamtala RC Market. Police immediately reached there and dispersed them. Thereafter, some miscreants gathered at Kadamtala market and tried to damage shops of Muslim Community. This refers to Kadamtala PS Case No. 2024KDL069

Dated-07.10.2024 u/s-126(2)/308/117/74299/3(5) BNS. The on duty Police personnel immediately dispersed the mob and brought the situation under control. Sensing the gravity of the situation and in order to maintain peace and tranquility in the areas, prohibitory order U/S 163 of BNSS was promulgated and announced by PA system. Three persons belonging to Hindu Community were arrested in connection with Kadamtala PS Case No. 2024KDL069 and finally after investigation Charge Sheet was submitted against those persons.

At that very date, at about 07:30 to 08:00 PM, an announcement was made from Premtala Masjid, which is situated near Kadamtala market, using PA system to the effect that Kadamtala Masjid had been damaged by some miscreants. That was a completely false propaganda. In fact, no damage was taken place at Kadamtala Masjid. On hearing such provocative announcement, without wasting time, thousands of people belonging to Muslim Community came out from different areas under Kadamtala PS as well as from Assam side and marched towards Kadamtala Market. The Mob numbering 3000-4000, armed with Lathi, rods, sharp cutting weapons etc. were totally unruly and paid no heed to the order of police officers and marched towards Kadamtala market. Immediately additional forces i.e CRPF, TSR (Tripura State Rifles and Police Officers/staffs available at Kadamtala PS rushed towards the market in order to


intercept and prevent the unruly mob from advancing further. On reaching Kadamtala market the mob started ransacking, arsoning and looting shops on their way and also damaged the Durga Puja Pandal of Indian Club, Kadamtala Market. The security forces, police personnel and the unruly mob came face to face at Kadamtala Market. The mob was ordered to refrain from violence and ransacking public/private properties but they continued with their violent activities. Those miscreants also damaged Durga idols under preparation for upcoming Durga puja and ransacked Shani Mandir. Using PA system, the mob was declared as unlawful assembly and they were ordered to disperse as section 163 of BNSS was already promulgated. They paid no heed and became more violent then mild force was used and thereafter, tear gas, stun shell etc. were used to disperse them. But they were so unruly that instead of dispersing, they attacked the security forces by pelting stones, bricks, bottles, lathis etc. and also fired with fire arms. Several police/security force personnel sustained injuries on their persons. Miscreants also damaged two police vehicles. Finding no other alternative to protect human lives and properties as well as in exercise of right of private defence, security personnel were compelled to open fire in the air combined with charging by lathis & shields towards unruly mob and the mob dispersed from the spot. This refers to Kadamtala PS Case No.2024KDL068 dated 07.10.2024,u/s126(2)/308/191(3)/299/324/309/118/109/103B

NS and Sec 3 of Prevention of Damage to Public Property Act and 27 Arms Act.

After the mob was dispersed one member of unlawful assembly was found dead and two other members of unlawful assembly were injured. On the other hand, three police personnel, four TSR (State armed police) personnel; one CRPF personnel were also injured.

According to the report of the DGP, Tripura, cause of death of Alfeshani Ahamed was not from bullet injury. The team of doctors, who conducted PM examination, opined in the PM report vide No. 123/2024 dated 27.10.2024, that the cause of death in this case was head injury. During investigation of the case, on examination, the concerned team of doctors, who conducted PM examination, stated that death was due to blunt trauma with heavy and sharp object, but there was no symptom of bullet injury in the wound of the deceased. During investigation, five persons were arrested in connection with this case and forwarded to the Ld. Court. The case was under investigation at the time of submission of the report.

In the report of the DGP, Tripura, it was mentioned that subsequently on 02.11.2024 the complainant, Smt. Swapna Begam, W/o the deceased, Alfeshani Ahamed submitted one written complaint before Kadamtala P.S alleging that her husband died on 06.10.2024 due to police firing and the said allegation was



tagged in the same case. So, DGP, Tripura denied that there was any violation of human rights by the police.

Report of the DGP, Tripura, was sent to the complainant for her response, but in her report, the complainant disagreed with the report of DGP, Tripura.

The complainant claimed that police lodged a Suo-Moto case and there police admitted that police opened fire to disperse the unrolling mob. The complainant stated that there exists serious dispute regarding cause of death of Alfeshani Ahamed, but no documents have been submitted.

Complainant, Swapna Begam did not deny that her husband was among the hooligans who violated the prohibitory order U/S-163 BNSS. It is clear from the report received from the O/o the DGP, Tripura that from Kadaltala masjid campus, a false propaganda was made that masjid was damaged and good number of Muslim people forming unlawful assembly rushed to the road and started ransacking, looting shops, being armed with lathies, rods, sharp cutting weapons etc. They were totally unruly and paid no heed to the order of police and marched towards Kadamtala market. They also damaged Durga idol of Indian club, ransacked public & private properties. The said Alfeshani Ahamed was a member of that unlawful assembly and participated in the said illegal activities.

Report of the DGP, Tripura shows that police opened fire. That group also attacked security forces by pelting stones, bricks, bottles and lathis etc. Finding no other alternative to protect human lives and properties, first security personnel opened fire in the air and then charged lathis and shields towards the unruly mob.

Report shows that from that unruly mob also firing was made from illegal gun. The complainant failed to produce any document that the death of the deceased took place due to bullet injury. Rather, from the report of the DGP, Tripura, it is clear that PM examination over the body of the deceased Alfeshani Ahamed was done and a team of doctors conducted PM examination over his body and they opined that cause of death was due to head injury, not due to any bullet injury. According to the medical officers, death was caused due to blunt trauma with heavy and sharp object, but there was no symptom of bullet injury in the body of the deceased.

This being the position, the allegation of the complainant, that the death of deceased took place due to police firing is found unjustified. Rreport of the DGP, Tripura shows that, a good number of Muslim people of the local area and also from Assam being armed with deadly weapons marched to kadamtala market and they were ransacking public shops and causing arson to some shops. They also damaged idol of Durga of a club and they faced

the police and police several times ordered them to refrain from such activities, but instead of prohibitory order, those groups including the deceased participated in attacking the police.

In such circumstances, the activities of police cannot be said to have violated the human rights of the deceased since he was a member of the unlawful assembly.

Accordingly, the Commission did not find any violation of human rights of the deceased as alleged by the complainant.


Thus, the complaint petition has got no merit.

Accordingly, the instant complaint petition is thus disposed of being devoid of merit.



(Justice Arindam Lodh)

Chairperson



(U. Choudhuri)

Member