

## BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

**File No. BHRC/Comp. 2565/14**

### **Case of RIZWANA PARVEEN (Case of Compensation for illegal detention)**

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31.3.2015

Petitioner present. Mr. A.K. Satyarthi, SP, Purnea present.

This is a case in which the police itself accepts that the petitioner's husband was wrongfully detained in police station for about two months i.e. 58 days. The petitioner's husband had a dispute with a neighbor regarding a piece of land. He was facing a court case where he absented himself and a warrant was issued but before the execution of warrant, the warrant had been recalled by court on a motion by the petitioner. In spite of that he was arrested and the police officer took the plea that the recalled order was not shown to him. After the recall order was shown he was released but was booked in another case under SC/ST Act (Section 3(i)(x)) and was not allowed to come out of the jail.

In the meantime, in an incident of dacoity in Kishanganj district, a case was registered and an accused was arrested. While making a confession before the police he mentioned the petitioner's husband as an accomplice in another case (Amour P.S. Case No.72/14 u/s 341/323/385/427/504/34 IPC) which had taken place in Amour. The case was of dacoity therefore the police concerned arrested the petitioner's husband in that case and got his remand for judicial custody. The petitioner's husband all along submitted that he had no connection with the accused arrested in that case and it was only at the instance of a police officer that his name was mentioned in the statement.

Later the higher officials of the police inquired into the matter and came to the conclusion that the petitioner's husband had been arrested and kept in custody without any reason and without any evidence. Thereafter the police itself moved the magistrate submitting to the magistrate that

there was no case against the petitioner's husband and he was let off. In the process the petitioner's husband suffered imprisonment of 58 days.

SP, Purnea submits that the concerned police officer was suspended and inquiry was conducted against him and he was punished with two black marks in the record.

The Commission does not feel that said police officer has been sufficiently punished, however, it is for the government to decide the issue. Since the police accepts that the petitioner's husband had been kept in detention for two months without any reason and evidence, therefore, the Commission feels he is entitled to compensation. Compensation of thirty thousand rupees is sanctioned in his favour. The Government shall pay this amount within a period of four weeks. The government is free to recover the amount from the officer who was responsible for keeping the petitioner's husband in custody illegally.

With these observations, the matter is closed.

Copy of this order be sent to SP, Purnea and the applicant's husband for information and necessary action as the case may be.

***(Justice Bilal Nazki)***  
**Chairperson**