

Judgement & Order

01.02-2024

Complainant Dholi Devi widow of Late Tetar Dhanuk residents of Sakin-Ambari, P.O-Ambari, P.S-Sheikhpurasarai alleged that her husband Tetar Dhanuk died because of vehicular accident caused by dash of a motor vehicle. She is alleged that this incident has resulted in registration of Police Case No. 184/10 at Police Station Bakhtiyarpur, Patna for offences punishable under Sections 279 and 304(A) of the I.P.C. She further alleged that despite lapse of four years, the Police Station in-charge of Bakhtiyarpur Police Station has failed to file the Charge-Sheet and because of this inaction by Police her claim for compensation before the Competent Court could not be decided nor the amount deposited by her husband in the bank could be release in her favour by the bank.

2. Taking cognizance of this complaint on 22.11.2022 this Commission had called report from the Senior Superintendent of Police, Patna.

The Senior Superintendent of Police, Patna vide communication letter No. 2893/GS dt. 11.03.2023 has forwarded the report of the Assistant Police Superintendent, Barh, Patna addressed to



him. No independent report is filed by the Superintendent of Police, Patna

3. Perusal of the Police report depict gross violation of Human Rights of a widow who is trying hard to get compensation on account of death of her husband in a vehicular accident apart from release of deposits made by her husband in the bank. This Commission is totally dissatisfied with the Police report which is to the effect that the In-charge Investigating Officer, Umesh Mishra, had retired from service in the year, 2022 and despite notice and registration of crime against him he failed to file the Charge-Sheet.

4. Human Rights of the complainant can not be allowed to be violated by such mismanagement of its affairs by the Police Department. Prudence required that by getting the copy of the F.I.R from the concerned Judicial Magistrate First Class, the Police Department ought to have reconstructed its file and ought to have filed the Charge-Sheet expeditiously or at least on receipt of notice of the case. Retirement of the Investigating Officer and his non co-operation cannot be a ground for denying basic Human Rights to the complainant and it cannot be used as a shield to defy statutory duty of the Police as contemplated by the Code of Criminal Procedure. As such the present case is not only the case of violation of Human Rights of the complainant [~] but [~] is also a case of slack supervision by the Superior Officer and failure to comply with the

AM/Sc

statutory duty as envisaged by the Code of Criminal Procedure in filing of the charge-sheet or closure report after registration of an offence.

5. In this view of the matter this Commission is exercising of its powers under Section 18 of the Protection of Human Rights Act, 1993 is directing the Senior Superintendent of Police, Patna to file the Charge-Sheet in Bakhtiyapur Police Station Case No. 184/16 within a period of one month from the date of communication of this order or in the alternative to take concerned Police Station case to its logical ends as per provisions of law. The Commission further direct under Section 18 of the said Act to pay of compensation of ₹50,000/- (Fifty thousand) to next in kin of the deceased Tetar Dhanuk i.e complainant Dholi Devi w/o late Tetar Dhanuk residents of Sakin-Ambari, P.S- Sheikhpurasarai, distt. Sheikhpura within a period of one month from the date of communication of this order. The Action Taken Report for compliance of this order be forwarded to this Commission within six weeks from the date of communication of this order failing which further coercive steps in the matter shall be taken. Inform all parties accordingly by sending a copy of this order to them. There is no necessity to send the Police report again to the senior Superintendent of Police, Patna again.

Put up on 18-03-2024


(Ananta Manohar Badar)
Chairperson