



National Human Rights Commission, New Delhi, India

Case Details of File Number: 441/12/2003-2004-cd

Diary Number	794
Name of the Complainant	THE SUPDT,BADWANI
Address	BADWANI , MADHYA PRADESH
Name of the Victim	KHEMLA S/O RADHU BARELA
Address	R/O GUMDIYAKHURD, PS- NIWALA BADWANI , MADHYA PRADESH
Place of Incident	BADWANI BADWANI , MADHYA PRADESH
Date of Incident	6/15/2003
Direction issued by the Commission	<p>Superintendent of Police, Badwani, M.P. sent a fax message to the Commission on 18.6.03 regarding the custodial death of Khemla s/o Radhu Barela aged 30 years in custody of Police Station Gumadia Khurd. Deceased was a scheduled tribe. He further informed that in the Magisterial enquiry Circle Officer Police Shashi Kant Shukla, ASI Bhishma Singh Kushwaha, Head Constable/21, Mansha Ram and C/147 Kishor Patidar were found prima facie guilty of custodial torture, therefore, a FIR case Crime No. 53/03 u/s 302/323/34 IPC was registered for investigation by Additional S.P. Dharmendra Chaudhary. The Commission took cognizance of the matter on 7.7.03 directing the DG(I) to collect requisite reports from concerned authority in four weeks. All the reports pursuant to the directions of Commission were submitted. Inquest was done on 16.6.03 by SDM Badwani and prepared the report vyherein he has not menfioned the injuries in detail and finding the cause of death unascertainable, he recommended autopsy. The autopsy was done on 16.6.03 and the report thereof reveals large number of injuries on the body of deceased and the cause of death is recorded as "due to shock and cyncape because of extensive multiple injuries which are homicidal in nature. Duration of death is about within 24 hours". The Magisterial Enquiry Report confirms the allegation of custodial torture resulting into the death of deceased. Superintendent of Police, Badwani vide his letter dated 19.6.03 informed the Commission that a case was registered against these erring Police officers. The accused persons were Dy. SP, Shashi Kant Shukla, ASI Bhishma Singh Kushwaha.HIC Mansha Ram and CIT Kishore Patidar. All were put under suspension and departmental action was also initiated against them. The case was handed over to the neighbouring District Jhabua to be investigated by the, Additional SP, Dharmendra Chaudhary. Additional D.G.P. (Complaint), Police H.Q., Bhopal, M.P. vide its letter dated 28.8.03 informed that compensation of Rs. 2 Lacs was given to the next of kin deceased but no proof thereof has been submitted. Thereafter, Superintendent of Police, Badwani vide, is letter dated 4.12:05 informed the Commission as the Investigating Officer Additional S. P. did not find any Police officers guilty of custodial torture, therefore, final report was submitted and all the Police officials were reinstated. Final report was accepted by the Court on 19.8.05, however, he has further informed that departmental proceedings have been initiated against the errant Police officials. Superintendent of Police, Badwani" M.P. be asked to submit the status report of departmental proceedings also the proof of payment of compensation to the next of kin of deceased to the Commission within four weeks.</p>
Action Taken	Additional Information Called for (Dated 7/19/2006)
Status on 7/16/2008	Response from concerned authority is awaited.

Note: For further details kindly contact **National Human Rights Commission, Copernicus Marg, New Delhi, PIN 110001 Tel.No. 23385368 Fax No. 23384863 E-Mail: covdnhrc@hub.nic.in**

Disclaimer: Neither NHRC nor NIC is responsible for any inadvertent error that may have crept in the Complaint Information being published on NET.

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
SARDAR PATEL BHAVAN
SANSAD MARG, NEW DELHI - 110 001

Tel.No.: 011-336 1611, 336 1671
Fax.No.: 011-336 6537, 334 0016
Telegraphic Add.: "HUMANRIGHTS"
Home page : <http://nhrc.nic.in/>

Case No. 417/12/2003-2004-AD/UC

NOTICE

To

THE DIRECTOR GENERAL OF POLICE
GOVT. OF MADHYA PRADESH, BHOPAL.

WHEREAS the complaint/intimation dated 23/06/2003 received from SH. SUHAS CHAKMA DIRECTOR in respect of CUSTODIAL DEATH A TRIBAL NAME MR. KHEMALA was placed before the Commission on 01/07/2003 .

AND WHEREAS upon perusing the complaint the Commission has passed the following order.

DG(I) to collect the requisite reports from the concerned authority in four weeks. An explanation as to why intimation about the custodial death was not given in time, should also be sought from DM and Supdt. of Police, Barwani, Madhya Pradesh.

NOW THEREFORE TAKE NOTICE that you are required to submit the requisite information / Report within 4 weeks from the date of receipt of this notice.

TAKE FURTHER NOTICE that in default the Commission may proceed to take such action as it deems proper.

Given under my hand and seal of the Commission, this the day of 15 July 2003.



(BY ORDER)

ASSISTANT REGISTRAR(LAW)

Encl: Copy of the complaint.

- Note --> 1. The information / report shall be furnished only by the authority which is called upon to do so.
2. Please quote the **Case No.** referred above in all future correspondence / reports.

CC to:

SH. SUHAS CHAKMA DIRECTOR
ASIAN CENTRE FOR HUMAN RIGHTS, PO BOX NO.
9627, JANAKPURI,
DELHI, DELHI


ASSISTANT REGISTRAR(LAW)