

**Case Details of File Number: 16/24/18/2010-AD**

Diary Number	146324
Name of the Complainant	SUHAS CHAKMA, DIRECTOR
Address	NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI, NEW DELHI , DELHI
Name of the Victim	SHIV KUMAR SHARMA
Address	R/O PS- GULAWATHI, BULANDSHAHAR , UTTAR PRADESH
Place of Incident	PS- GULAWATHI BULANDSHAHAR , UTTAR PRADESH
Date of Incident	12/24/2009
Direction issued by the Commission	LINKED WITH CASE NO.12/24/18/2010-PCD/DB-I Deputy Secretary, Home(HR), Govt. of Uttar Pradesh through his letter dated 29.8.2014 informed that the amount of Rs.five lakhs recommended by the Commission has been paid to Smt. Sonia @ Pushpa, wife of the deceased Shiv Kumar on 16.8.2014. The proof of payment has also been sent to the Commission. In view of compliance of the recommendation, the case is closed.
Action Taken	Concluded and No Further Action Required (Dated 9/18/2014)
Status on 9/11/2018	The Case is Closed.

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Note: For further details kindly contact **National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023**

For Complaints : Tel.No. 24651330, 24663333. Fax No. 24651332 E-Mail: cr[dot]nhrc[at]nic[dot]in

नोट: अन्य जानकारी हेतु कृपया संपर्क करे **राष्ट्रीय मानव अधिकार आयोग, मानव अधिकार भवन, ब्लॉक-सी, जी.पी.ओ. कम्प्लेक्स, आई.एन.ए., नई दिल्ली - 110023,**

शिकायतों के लिए : फोन नं. 24651330, 24663333 फैक्स नं. 24651332 ई-मेल : cr[dot]nhrc[at]nic[dot]in

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अस्वीकरण : नेट पर प्रकाशित सूचना में, अनजाने में हुई किसी भी गलती के लिए न तो एन.एच.आर.सी. न ही एन.आई.सी. जिम्मेदार है।

National Human Rights Commission

New Delhi, India

Case Details of File Number: 12/24/18/2010-PCD

Diary Number 145393 & 145688
Name of the Complainant SENIOR SUPERINTENDENT OF POLICE
Address .
 BULANDSHAHAR , UTTAR PRADESH
Name of the Victim SHIV KUMAR SHARMA S/O SURINDER KUMAR SHARMA
Address R/O VILL- CHARAVAT, PS- GULAWATHI,
 BULANDSHAHAR , UTTAR PRADESH
Place of Incident PS- GULAWATHI
 BULANDSHAHAR , UTTAR PRADESH
Date of Incident 12/24/2009

Direction issued by the Commission

The Commission was informed by Sr. Supdt. of Police, Bulandshahar, about the custodial death of Shiv Kumar Sharma. It was reported that Mohit Shanna and Shiv Kumar were arrested on the night intervening 23rd/24th December, 2009 in a case of extortion. On 24 December, 2009, Shiv Kumar became unwell in the morning. He was taken to District Hospital where he died. The postmortem revealed 17 ante-mortem injuries. According to the opinion of the postmortem surgeon, the death had occurred due to shock and hemorrhage resulting from ante-mortem injuries. The Commission asked the State Government to order a CBCID inquiry in the case. Accordingly, the matter was investigated by CBCID and the report of CBCID investigation was forwarded to the Commission by DIG, CBCID vide communication dated 29 May, 2011. The investigating agency concluded after investigation that Shiv Kumar Sharma had died in police custody as a result of assault and torture by policemen. A show-cause notice under Section 18 of the Protection of Human Rights Act, 1993, was issued to the Government of Uttar Pradesh. The State Government has contended that a criminal case against the policemen is pending in the Court and, therefore, it would not be appropriate for the Commission to recommend any monetary relief at this stage. We find no merit in the contention of the State Government. The issues which are likely to arise in the criminal trial would be different. While the Court would be mainly concerned with the culpable liability of the accused policemen, the Commission is not concerned with the identity of the perpetrators of the crime. It is mainly concerned with the violation of human rights. The pendency of criminal trial need not detain the Commission. Therefore, it is recommended to the Government of Uttar Pradesh to pay a sum of Rs. 5 lakhs as monetary relief to the next of kin of the deceased Shiv Kumar Sharma. The Chief Secretary, Government of Uttar Pradesh, shall submit compliance report along with proof of payment within eight weeks. Put up on 10th April, 2014.

Action Taken Relief granted [Compensation, Disciplinary & Prosecution] (Dated 1/15/2014)
Status on 5/12/2014 Compliance of the Commission's recommendation by the concerned authority is awaited

Note: For further details kindly contact National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023

Tel.No. 24651330 Fax No. 24651329 E-Mail: covdnhrc[at]nic[dot]in, ionhrc[at]nic[dot]in

नोट: अन्य जानकारी हेतु कृपया संपर्क करे राष्ट्रीय मानव अधिकार आयोग, मानव अधिकार भवन, ब्लॉक-सी, जी.पी.ओ. कॉम्प्लेक्स, आई.एन.ए., नई दिल्ली - 110023,

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