

Assistant Registrar (Law)

Fax No.: 011-2465 1332

Website : www.nhrc.nic.in

Case No. 441/11/13/2019

NATIONAL HUMAN RIGHTS COMMISSION

( L A W D I V I S I O N )

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MANAV ADHIKAR BHAWAN,  
BLOCK-C, G.P.O. COMPLEX,

Dated 30/09/2020

Case No. 441/11/13/2019

To

THE CHIEF SECRETARY  
GOVERNMENT OF KERALA,  
THIRUVANANTHAPURAM  
695001

Sub : Complaint from

DHANA KUMAR  
C-3/441, THIRD FLOOR, JANAKPURI  
WEST DELHI DELHI. 110058

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 28/09/2020 and the Commission has directed as follows.

*The Commission has received a complaint alleging custodial death of Ranjith Kumar in the custody of officials of Excise Department in Guruvayur Town under Thrissur Distinct of Kerala on 01.10.2019.*

*The Commission vide proceedings dated 18.10.2019 sought report from the Dy Collector, Thrissur, Kerala Superintendent of Police Thrissur Kerala and Excise Commissioner, Kerala on some specific points mentioned in the proceedings dated 18.10.2019.*

*Summons were received in the case on 15.11.2019 Report dated 3.10.2019 received in the Commission on 9.10.2019 is available on file sent by SHO Pavaratti mentioning therein that proceedings u/s 174 Cr PC were conducted with regard to this case Report of SHO is also annexed with proceedings of District Police Chief Thrissur City mentioning therein that special investigation team was constituted with regard to case crime No. 458/2019 u/s 174 Cr PC altered into sec. 302 IPC PMR of Ranjit Kumar also received showing 12 injures on his person Report dated 25.10.2019 also received from SDM Thrissur mentioning that aforesaid crime has been altered into sec 302 IPC and report is attached with FIR No 458/2019 dated 1.10.2019 pertaining to PS Pavaratti Thrissur Report dated 28.11.2019 received from Sub Collectors Thrissur/SDM is attached with enquiry report mentioning that person died in suspicious circumstances and it was an unnatural death Report dated 9.12.2019 received from Addl. Director General of Police mentioning that Narcotic Special Team consisting of 7 members apprehended Rajnikant and brutally tortured him physically and he was brought dead when he was taken to the doctor and all of them were arrested and remanded to judicial custody However, the accused except Umar have been granted bail by the court Now, the Govt of Kerala have decided to refer the investigation of case crime No*

498/2019 to CBI for further investigation Report dated 23.12.2019 also received from Excise Commissioner, Thiruvanthapuram mentioning therein that all the delinquent police officials of excise department have been suspended from service vide orders dated 5.10.2019 and disciplinary proceedings are in progress.

The Commission vide proceeding dated 03.03.2020 as follows: -

“The Commission has considered all the reports As per enquiry of Addl. DCP dated 9.12.2019 the deceased was physically tortured so brutally that his life comes to an end The officials of excise department have also been suspended for their act and conduct and thus, it is a clear case of violation of human rights of the deceased for which the State is vicariously liable to compensate the Nok of the deceased.

Issue notice u/s 18 of the PHR Act, 1993 to the Chief Secretary, Govt of Kerala to show cause as to why the Commission should not grant monetary relief of Rs 3.00,000/- (Rs Three Lakh only) to the Nok of the deceased Ranjith Kumar within 6 weeks positively.

CBI Thiruvanthapuram, Kerala is directed to submit the action taken report with regard to case crime No 498/2019 within 6 weeks.”

In response, SP and head of branch CBI, SCD, Thriuvanthapuram, has submitted its report dated 30.07.2020. The report reveals that the CBI has re- registered crime number 58/2019 of Pavaratty Police Station, Thrissur Dist. Kerala, relating to the unnatural death of Ranjith Kumar, Thruppakkodu, Karawan House, Kaimalacheri, Thirur, Malappuram District, Kerala on 01.10.2019, as RC 445/2020 TVPM on 29.07.202 u / s. 342, 330, 302, 34 IPC. The report further submitted that FIR in RC 4/S/2020 was registered against Sh Anoop Kumar, Sh Abdul Jabbar both excise preventive officers, ShNithin. M.Madahavan, Sh. Mahesh KU, Sh.Smibin all Excise Civil offers, Sh VA Ummer Excise preventive officer and Sh. Benny, Excise Civil Officer as accused persons.

The Chief Secretary Govt. of Kerala has not submitted any reply to the show cause notice. Therefore, it is presumed that the Chief Secretary has nothing to urged in the matter and Commission reiterates its earlier stand and confirms the recommendation of monetary compensation of Rs. 3 lakhs to be paid to the NOK of the deceased.

Therefore, the Commission directs the Chief Secretary Govt of Kerala to submit compliance reports along with proof of payments.

Response within 6 weeks.

It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 21/11/2020, so that the same could be placed before the Commission.

Yours faithfully,

Assitant Registrar (Law)

CC To,

NNNN

NNNN

**DHANA KUMAR**  
C-3/441, THIRD FLOOR, JANAKPURI  
WEST DELHI, DELHI. 110058

## National Human Rights Commission

<b>Diary No</b>	12170/IN/2019	<b>Case / File No</b>	441/11/13/2019
<b>Victim Name</b>	RANJITH KUMAR S/O VASUDEVAN	<b>Registration Date</b>	09/10/2019

**Action List** (Click on Action given in blue color to view details)

Action No.	Action	Authority	Action Date	Due Date	Completion Date
6	<a href="#">Additional Information Called for</a>	THE DIRECTOR CBI, CENTRAL BUREAU OF INVESTIGATION, SPECIAL CRIME BRANCH, TC 1757/5, "CBI OCR COMPLEX", MUTTATHARA, VALLAKADAVU, POST THIRUVANANTHAPURAM, KERALA	03/03/2020	12/03/2020	12/03/2020
5	<a href="#">Show Cause Notice Issued (Comments)</a>	THE CHIEF SECRETARY GOVERNMENT OF KERALA, THIRUVANANTHAPURAM	03/03/2020	03/05/2020	
4	<a href="#">Additional Information Called for</a>	THE SECRETARY STATE HUMAN RIGHTS COMMISSION KERALA. TURBO PLUS TOWER, PMG JN., VIKAS BHAVAN, P O, THIRUVANANTHAPURAM, KERALA-695 033	18/10/2019	28/12/2019	01/01/2020
3	<a href="#">Action Taken Report Called for</a>	THE EXCISE COMMISSIONER EXCISE DEPARTMENT OF KERALA, THIRUVANANTHAPURAM, KERALA	18/10/2019	28/12/2019	07/01/2020
2	<a href="#">Action Taken Report Called for</a>	THE SUPERINTENDENT OF POLICE THRISSUR, KERALA	18/10/2019	28/12/2019	
1	<a href="#">Action Taken Report Called for</a>	THE DISTRICT COLLECTOR THRISSUR, KERALA	18/10/2019	28/12/2019	

**Expand All Action List****Action****Action : Additional Information Called for(Action No 6)**

Action Date	03/03/2020	Due Date	12/03/2020	Completion Date	12/03/2020
<b>Authority</b>	THE DIRECTOR, CBI, CENTRAL BUREAU OF INVESTIGATION, SPECIAL CRIME BRANCH, TC 1757/5, "CBI OCR COMPLEX", MUTTATHARA, VALLAKADAVU, POST THIRUVANANTHAPURAM, KERALA				
<b>Proceeding</b>	<p>The Commission has received a complaint alleging custodial death of Ranjith Kumar in the custody of officials of Excise Department in Guruvayur Town under Thrissur District of Kerala on 01.10.2019.</p> <p>The Commission vide proceedings dated 18.10.2019 sought report from the Dy Collector, Thrissur, Kerala, Superintendent of Police Thrissur, Kerala and Excise Commissioner, Kerala on some specific points mentioned in the proceedings dated 18.10.2019.</p> <p>The Commission also had sought report from the Kerala State Human Rights Commission, Thiruvananthapuram to inform if the State Commission has taken cognizance in the matter and if so, on which date.</p> <p>Summons were received in the case on 15.11.2019. Report dated 3.10.2019 received in the Commission on 9.10.2019 is available on file sent by SHO Pavaratti mentioning therein that proceedings u/s 174 Cr.P.C. were conducted with regard to this case. Report of SHO is also annexed with proceedings of District Police Chief Thrissur City mentioning therein that special investigation team was constituted with regard to case crime No. 458/2019 u/s 174 Cr.P.C. altered into sec. 302 IPC. PMR of Ranjit Kumar also received showing 12 injuries on his person. Report dated 25.10.2019 also received from SDM Thrissur mentioning that aforesaid crime has been altered into sec. 302 IPC and report is attached with FIR No. 458/2019 dated 1.10.2019 pertaining to PS Pavaratti, Thrissur. Report dated 28.11.2019 received from Sub Collector Thrissur/SDM is attached with enquiry report mentioning that person died in suspicious circumstances and it was an unnatural death. Report dated 9.12.2019 received from Addl. Director General of Police mentioning that Narcotic Special Team consisting of 7 members apprehended Rajnikant and brutally tortured him physically and he was brought dead when he was taken to the doctor and all of them were arrested and remanded to judicial custody. However, the accused except Umar have been granted bail by the court. Now, the Govt. of Kerala have decided to refer the investigation of case crime No. 498/2019 to CBI for further investigation. Report dated 23.12.2019 also received from Excise Commissioner, Thiruvanthapuram mentioning therein that</p>				

all the delinquent police officials of excise department have been suspended from service vide orders dated 5.10.2019 and disciplinary proceedings are in progress.

The Commission has considered all the reports. As per enquiry of Addl. DCP dated 9.12.2019 the deceased was physically tortured so brutally that his life comes to an end. The officials of excise department have also been suspended for their act and conduct and thus, it is a clear case of violation of human rights of the deceased for which the State is vicariously liable to compensate the NoK of the deceased.

Issue notice u/s 18 of the PHR Act, 1993 to the Chief Secretary, Govt. of Kerala to show cause as to why the Commission should not grant monetary relief of Rs. 3,00,000/- (Rs. Three Lakh only) to the NoK of the deceased Ranjith Kumar within 6 weeks positively.

CBI, Thiruvanthapuram, Kerala is directed to submit the action taken report with regard to case crime No. 498/2019 within 6 weeks.

## Complaint

Diary No	12170/IN/2019	Section	M-5
Language	ENGLISH	Mode	HRCNET/ONLINE
Received Date	03/10/2019	Complaint Date	03/10/2019
Gist	Complainant alleges death in custody of excise department.		

## Victim

<b>Victim Name</b>	RANJITH KUMAR S/O VASUDEVAN	<b>Gender</b>	Male
<b>Religion</b>	Unknown	<b>Cast</b>	Unknown
<b>Address</b>	MALAPPURAM TIRUR TRIPRANGODE, GURUVAYUR TOWN		
<b>District</b>	THRISSUR	<b>State</b>	KERALA

## Complainant

<b>Name</b>	DHANA KUMAR		
<b>Address</b>	C-3/441, THIRD FLOOR, JANAKPURI		

<b>District</b>	WEST DELHI	<b>State</b>	DELHI ( 110058 )
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## Incident

<b>Incident Place</b>	EXCISE DEPT. CUSTODY, GURUVAYUR	<b>Incident Date</b>	01/10/2019
<b>Incident Category</b>	DEATH IN LOCK UP OF REVENUE AUTHORITIES		
<b>Incident District</b>	THRISSUR	<b>Incident State</b>	KERALA
<b>Incident Details</b>			

## Cause List

List No	Case / File No	Listing Date	Category
2	441/11/13/2019	04/06/2020	COMPLIANCE REPORT CASES
1	441/11/13/2019	13/01/2020	COMPLIANCE REPORT CASES