



Campaign Against Torture <campaignagainsttorture.india@gmail.com>

Concluded and No Further Action Required - 256/33/27/2019-ad

1 message

nhrc.india@nic.in <nhrc.india@nic.in>
To: campaignagainsttorture.india@gmail.com
Cc: dr1.nhrc@nic.in

Mon, Aug 22, 2022 at 9:02 PM

Case No.- 256/33/27/2019-adNATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)

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MANAV ADHIKAR BHAWAN, BLOCK-C,
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Date : 22/08/2022

To,

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Subject: Concluded and No Further Action Required -256/33/27/2019-ad.

Sir/Madam,

With reference to your complaint/intimation dated 27/06/2019. I am directed to say that the matter was considered by the Commission on 22/08/2022. The Commission has made the following directions:

This case relates to custodial death of Krishna Sarathi s/o Jai Nath (aged-30 yrs) in the custody of PS-Chandoura, Distt - Balrampur, Chhattisgarh on 26.06.2019. The father-in-law of the deceased made a complaint against him about a dispute in between her daughter and the deceased (husband of his daughter). The police staff picked up the deceased from Vill-Domhat at about 08:00 AM and brought to PS- Chandoura. The deceased hanged himself about 12:30 PM while in the custody of PS-Chandoura.

The Commission vide its proceedings dated 03-07-2019 had directed the DG(I) to get collected the requisite report from the concerned authority in the above mentioned case, examine it and submit report within six weeks. DG (I) was also simultaneously asked to inquire from the Chhattisgarh State Human Rights Commission whether it had taken cognizance of the case. If yes, the date of taking cognizance should be informed to the Commission.

Analysis of the reports revealed that the deceased was living separate from her wife and her wife was staying with her parent at Vill - Chandoura. On 19.06.2019, the deceased came to her house at Chandoura and took her three children with him and leaving one girl child with her. On 26.06.2019 at about 02:00 AM, he alongwith his friend Ajay again came to her house and had argument with her. She and her father went to PS-Chandoura and made a complaint so the police staff picked up the deceased and took him to PS-Chandoura. Allegation of beating by the police cannot be ruled out as dark contusion mark on the hip cannot be self caused. However, it seemed that the deceased hanged himself due to

frustration of his marital life which was aggravated by the police action. The allegation of murder by the police could not be substantiated in Postmortem examination and viscera report. There were clearly flaws in the police procedure as mentioned below:-

(a) The deceased was kept in lockup while he was not arrested.

(b) Allegation of beating by the police cannot be ruled out as dark contusion mark on the hip cannot be self inflicted.

(c) In this case, the deceased was in police custody and due to the careless and negligent attitude of the police the deceased could get an opportunity to commit suicide while under the police custody. The state is responsible for the safety, security and wellbeing of the person who is under its custody otherwise the state is vicariously liable of omission or commission on the part of the police officials.

In view of the above, the Commission observed that due to the careless and negligent vigil of the police the deceased committed suicide while in the police custody. The State is vicariously responsible & liable for any act of omission or commission on the part of the police personnel. Accordingly, a show cause notice was issued to the State of Chhattisgarh through its Chief Secretary, as to why recommendation be not made by the Commission to the State to pay compensation of Rs.3,00,000/- (Three lacs) to the next of the kin of the deceased Krishna Sarathi. Response within six weeks.

In compliance of the directions of the Commission dated 16.2.2021, a letter dated 18.1.2022 has been received from the Dy. Secretary, Home Department, Government of Chhattisgarh which discloses that the compensation amount of Rs. 3 Lakhs has been paid to the NoK of the deceased Krishna Sarathi along with proof of payment.

Since the compensation has been paid in compliance of the directions of the Commission, therefore, there is no need for further indulgence of the Commission in the matter. The case is closed.

This is for your information.

Your's faithfully


Sd/-

Indrajeet Kumar
DEPUTY REGISTRAR (LAW)
M-2 Section
Ph. No. 011-24663276
Email. dr1.nhrc@nic.in

CC to

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 3. For lodging/ tracking of complaints and uploading of action taken reports by Public Authorities, HRCNet Portal at <https://hrcnet.nic.in> may be visited.
 4. For general information, follow us at twitter handle (https://twitter.com/India_NHRC) and subscribe YouTube channel of the Commission at <https://www.youtube.com/NationalHumanRightsCommission> .

2 attachments

 **7374-IN-2019.pdf**
777K