



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

Show Cause Notice Issued (SCN) - 343/6/21/2020-AD

1 message

nhrc.india@nic.in <nhrc.india@nic.in>

Mon, Aug 1, 2022 at 4:24 PM

To: chiefsecretary@gujrat.gov.in, dgp-gs@gujarat.gov.in, campaignagainsttorture.india@gmail.com

Cc: dr1.nhrc@nic.in

Case No.- 343/6/21/2020-ADNATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)

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MANAV ADHIKAR BHAWAN, BLOCK-C,
G.P.O. COMPLEX, INA, NEW DELHI- 110023
Fax No.: 011-24651332 Website: www.nhrc.nic.in

Date : 01/08/2022

To,
THE CHIEF SECRETARY
Government of Gujarat, Gandhinagar - 382020, Gujarat, India
RAJKOT GUJARAT
Email- chiefsecretary@gujrat.gov.in

THE DIRECTOR GENERAL OF POLICE
Police Bhavan, Sector 18,
GANDHINAGAR GUJARAT
Email- dgp-gs@gujarat.gov.in

Sir/Madam,

The case No. 343/6/21/2020-AD in respect of DHANA KUMAR, was placed before the Commission on 01/08/2022. Upon perusing the same, the Commission directed as follows:

This is regarding a complaint received in the Commission from a HRD alleging custodial death of an accused under mysterious circumstances, while in the police lock up of Rajkot Taluka police station, Rajkot, Gujarat on 05/05/2020.

Pursuant to the directions of the Commission, an enquiry was conducted and the report was received from the Joint Police Commissioner, Rajkot City, Gujarat. It revealed that accused was arrested on 04. 05. 2020 at 15.30 hours in connection with a case Cr. No. 191/2020 u/s 151, 107, 116(3) of Cr.P.C registered on the complaint of his wife. On 05/05/2020 at 01.15 hours, the accused committed suicide by hanging in the toilet of the lock-up of Rajkot Taluka, police station with the help of handkerchief and the door latch of the door.

The matter was sent to the Investigation Division for further analysis of the reports and it has been analyzed by the Investigation Division that Inquest report, PMR, FCOD based on FSL report etc. are not received in the Commission. But all these reports have been elaborately discussed by the Enquiry Magistrate in his report. The Enquiry was conducted by a Judicial Magistrate. Mother, wife and son of the deceased, who were associated with it, did not raise any suspicion on the death of the deceased. The panel of doctors who conducted autopsy stated that opined cause of death as "Asphyxia on account of hanging". There was no sign of any other injury on the body of the deceased. The Enquiry Magistrate did not find any negligence or foul play on the part of police official. The accused committed suicide within 12 hrs of his arrest while he was in the custody of State. This is indicating lack of vigil and proper watch on the part of police authorities.

Taking the reports and findings of the Investigation Division into consideration, issue Show Cause u/s 18a(i) of PHR Act, 1993 to the Chief Secretary, Govt. of Gujarat directing him to show cause within four weeks as to why the compensation should not recommend payment of compensation of Rs. 5 Lac (Rupees Five Lac only) to the NOK of the deceased.

It is further directed that DGP, Gujarat to get the matter enquired into and fix up the responsibility and inform to the Commission within four weeks.

Put up after four weeks.

2. This is for your information and further necessary action.

Your's faithfully

Sd/-

Indrajeet Kumar

DEPUTY REGISTRAR (LAW)


M-2 Section


Ph. No. 011-24663276

Email. dr1.nhrc@nic.in

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1. This is a system generated email sent using email-id nhrc.india@nic.in. However, this email-id cannot be used to send any communication to the Commission. If needed, the email-id cr.nhrc@nic.in may be used to send communications to the Commission, mentioning the case number mentioned above.
 2. For latest information about the Commission, visit our website at <https://nhrc.nic.in> .
 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> .

3 attachments

 **5290-IN-2020.pdf**
139K

 **343-6-21-2020-ad .pdf**
1045K

 **DiaryDetails.pdf**
75K