



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

Comments of Complainant Called for(CCC) - 33/23/9/2019

1 message

nhrc.india@nic.in <nhrc.india@nic.in>
To: campaignagainsttorture.india@gmail.com
Cc: ar4.nhrc@nic.in

Mon, Dec 13, 2021 at 3:20 PM

Case No.- 33/23/9/2019
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
* * *
MANAV ADHIKAR BHAWAN, BLOCK-C,
G.P.O. COMPLEX, INA, NEW DELHI- 110023
Fax No.: 011-24651332 Website: www.nhrc.nic.in

Date : 13/12/2021

To,

DHANA KUMAR
C-3/441, THIRD FLOOR, JANAKPURI
NEW DELHI , DELHI
110058
Email- campaignagainsttorture.india@gmail.com , Mob No- 9870564190

Subject: Comments of Complainant Called for(CCC) -33/23/9/2019.

Sir/Madam,

With reference to your complaint/intimation dated 10/10/2019, I am directed to inform you that the above mentioned complaint/intimation along with the report received from the concerned authorities were placed before the Commission on 13/12/2021 Upon persuing the same, the Commission has directed as follows :-

The case relates to a complaint dated 10.10.2019 from Shri Dhana Kumar, a Human Rights defender, alleging that a 15 years old boy namely Happy Debbarma died due to brutal torture by his hostel warden of Holy Cross School at Kumarghat in Unakoti district of Tripura.

While considering the matter on 23.8.2021, the report dated 15.07.2021 of the Additional Inspector General of Police (Crime), O/o DGP, Tripura was considered by the Commission. The said report revealed that the investigation of case FIR No. 2019KGT050 dated 09.10.2019, P.S. Kumarghat, u/s 109/201/225/304 IPC was pending only due to non receipt of report of forensic examination of hard disk of CCTV etc. from CFSL, Kolkata. The report further revealed that the victim's mother has submitted a prayer for grant of monetary compensation and the same has been forwarded along with required documents to the District Legal Services Authority Unakoti Judicial District, Kailashahar and the process of payment of compensation to the NOK is in progress.

Vide proceeding dated 6.12.2021, the Commission had observed and directed as under- "The Commission has further directed vide order dated 29.04.2021, 11.06.2021 and 23.08.2021 directed Director General of Police, Agartala, Tripura to submit the report of current status/outcome of the investigation of the case bearing No.2019KGT050 dated 09.10.2019, P.S. Kumarghat, u/s109/201/225/304 IPC as well as to submit information as to whether any monetary compensation has been awarded to the family of the victim as per Victim's Compensation Scheme of the State of Tripura followed by a conditional

summons issued on 28.06.2021 for submission of the above mentioned report.

Subsequently, a report dated 15.07.2021 has been received from the concerned authority. The Commission on 14.10.2021 directed to DGP Unakoti Tripura intimate to the Commission the final report of the investigation within further four weeks along with proof of payment of compensation. The report is still awaited from the authority.

In the above circumstances, the Commission has decided to take up the matter during the Open Public Hearing at the State Convention Centre, Pinewood Hotel, Shillong, Meghalaya, on 14-12-2021 at 10:30 hrs onwards. The concerned officer, in person, along with a report, shall remain present at the venue during the hearing.

The complainant / victim may also attend the hearing at the time and venue mentioned above, if so desired ”.

Pursuant to the above direction, the Registry has submitted that a report dated 26.11.2021 of the Asstt. Inspector General of Police(Crime) office of the DGP, Tripura has been received and diarized on 6.12.2021 only. The said communication revealed that as per report received from SP(Unakoti), Tripura, the investigation of the case relating to the death of Happy Debbarma , a student of Holy Cross School , Kumarghat registered vide Kumarghat PS Case no. 2019 GT050 u/s 304/109 IPC and added section 291/225 (Para-II) IPC has been completed and charge sheet vide CS No. 57/2021 dated 30.9.2021 u/s 304/109 IPC and added section 201/224 (Para-II) IPC has been submitted against four arrested accused persons. The case is now pending trial in the Court of CJM, Unakoti, Kailashahar. As regard to the compensation to NoK of the victim, it is stated that on basis of prayer of the victims's mother to DLSA, Rs.2,00,000/-(Rs. Two Lakhs only) has been sanctioned in her favour under Tripura Victim compensation Scheme, 2018. The report is supplemented with copy of sanctioned order dated 6.9.2021.

Before proceeding further, it is desirable to seek comments of the complainant. Let copy of the police report be forwarded to him with direction to submit comments within 4 weeks failing which the case would be decided on basis of matter on record.

Pursuant to the above directions, I am enclosing herewith a copy of the report for furnishing your comments, if any, by 20/01/2022, for consideration of the Commission.

Your's faithfully

Sd/-

Debindra Kundraa

ASSISTANT REGISTRAR (LAW)

M-4 Section

Ph. No. 011-24663290

Email. ar4.nhrc@nic.in

-
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> .