



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

Concluded and No Further Action Required(CLD) - 692/35/12/2020

1 message

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Thu, Jul 1, 2021 at 3:17 PM

Case No.- 692/35/12/2020NATIONAL 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 : 01/07/2021

To,

Complainant Email * :
UDHAM SINGH NAGAR UTTARAKHAND
Email- campaignagainsttorture.india@gmail.comDHANA KUMAR
C-3/441, THIRD FLOOR, JANAKPURI, NEW DELHI
WEST DELHI , DELHI
110058
Email- campaignagainsttorture.india@gmail.com , Mob No- 9870564190**Subject:** Concluded and No Further Action Required(CLD) -692/35/12/2020.

Sir/Madam,

With reference to your complaint dated 28/07/2020. I am directed to say that the matter was considered by the Commission on 01/07/2021. The Commission has made the following directions:

The complainant has alleged that the victim was punched by a key on his forehead by the accused police official, resultant, the victim suffered grave injury. The victim was not taken by the police to any hospital for treatment.

Vide proceedings dated 16.09.2020 the Commission took cognizance in the matter and directed to the Senior Superintendent of Police, Udham Singh Nagar, Uttarakhand through online communication asking him to submit an action taken report in the matter to the Commission within 4 weeks.

The Addl. Superintendent of Police, Udam Singh Nagar vide communication dated 02.12.2020 forwarded the enquiry report of Circle Officer, Bajpur. It is submitted in the report that on the complaint of the complainant a case vide FIR No. 461/2020 u/s 323/325/504 IPC r/w SC/ST Act has been registered against officials of CPU. Matter is under investigation. Accused CPU officials have been suspended.

The Commission vide proceedings dated 01.02.2021 observed and directed as follows :

"The Commission has considered the material placed on record. In the present matter the accused are officials of City Petrol Unit who allegedly have punched by a key on the forehead of victim resulting the victim suffered grave injury. This was highly unethical & unprofessional on the part of police. The report reveals that FIR has been registered against the accused CPU officials and suspended immediately by the SSP, Udham Singh Nagar. These facts create strong circumstances and inference indicating that the CPU police officials are involved in the crime. This act of negligence of erring police officials has violated human rights of the deceased victim for which the State Govt. is vicarious liable. Therefore, issue Show Cause notice u/s 18 of the PHR Act, 1993 to the Govt. of Uttarkhand through its Chief Secretary, as to why Commission should not recommend a compensation of Rs. 2,00,000/- (Two Lakh Only) to the victim Deepak Kumar Kohli s/o Kishan Pal Kohli, within 6 weeks.

In addition the Senior Superintendent of Police, Udham Singh Nagar, Uttarakhand is directed to send an updated investigation report in FIR 461/2020 u/s 323/325/504 IPC r/w 3 SC/ST ACT. Since FIR has been registered, the victim is entitled for monetary relief under Annexure-I, SC/ST (POA) Rules, 2016. Therefore, the Sr. Superintendent of Police, Udham Singh Nagar, Uttarakhand is directed to submit the compliance report of payment to the victim in light of observation made by the Commission alongwith proof of payment within 4 weeks."

In response Dy. Secretary, Government of Uttrakhand submitted its report 15.04.2021. In another response Directorate of Police, Uttrakhand has submitted its report dated. 06.04.2021. Further, SSP, Udham Singh Nagar has submitted its report dated 01.04.2021 along with the report SP, Udham Singh Nagar dated 31.03.2021 and also the report of Circle Officer, Udham Singh dated 30.03.2021. The report reveals that the allegations leveled by the victim/ complainant in FIR No. 461/2020 were found to be false and no evidence was found to support the allegations of the complainant. Further, the complainant has given an affidavit refuting the allegations of physical injury by the police officials and does not want any further action in the matter. Hence, final report no. 9/21 dated 16.02.2021 was submitted before the court, therefore, there is no question of compensation of Rs. 2,00,000/- to be paid to the victim/ complainant.

The report is taken on record.

The Commission has considered the report. As per the report the complainant has given an affidavit claiming that no physical injury was caused by the police officials and further does not want any action in the matter. Further, a final report no. 9/21 dated 16.02.2021 before the court, therefore no further intervention is required hence, the case stands closed.

This is for your information.

Your's faithfully

Sd/-

K.K. Shrivastava
ASSISTANT REGISTRAR (LAW)
M-5 Section
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CC to

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