

KARNATAKA STATE HUMAN RIGHTS COMMISSION

PRESENT

Justice D.H. Waghela
Chairperson

H.R.C No: 1452/10/31/2020

Date: 29-10-2020

Complainant: Smt. Vasanthi S
No. 152, T Channaiah Layout,
Nagawara,
Bengaluru – 560045

V.

Respondent: Deputy Commissioner of Police
East Division, Bengaluru

ORDER

It is alleged in the complaint that the Frazer Town police had illegally entered into the complainant's house on 07-06-2020 and took custody of complainant's guest by name Mr. Thirukumar (Kutty) without informing reason for his arrest. It is further alleged that the aforesaid police had arrested one Amulraju alongwith his auto on 02.06.2020 and the police did not produce the aforesaid persons before court and they were detained illegally in the police station and the police had threatened the complainant not to disclose their arrest to anyone. Therefore, she has requested to do the needful action against the police.

The matter was referred to Deputy Superintendent of Police, attached to the Commission to submit a report and the Dy.S.P of KSHRC, has made findings as under:

“The documents and statements obtained during the enquiry shows that the victim in the complaint Sri. Amulraj was taken to Frazer Town P.S by the police on 02-06-2020 and kept in illegal detention till 08-06-2020 at 8-00pm, and it was only after the illegal detention that the arrest formalities against Amulraj was initiated. This has been confirmed on the basis of the statements of the victim Amulraj, Sri. Parthasarathi another accused who was also in the same lockup and the station records.

In the same way based on the statements of Sri. Thirukumar (Kutty), the other victim in the complaint, the complainant Smt. Vasanthi and Sri. Abhijith, another person who was present when Sri. Thirukumar was taken by the Frazer Town police, it is confirmed that Sri. Thirukumar was taken by the police on 07-06-2020 at 10-30am and kept in illegal detention till 09-06-2020 at 7-00pm and only later the arrest formalities has been followed.”

On the basis of report dated 13.05.2020 of Dy.S.P, K.S.H.R.C., notice was issued to the Deputy Commissioner of Police, East Division, and in reply a report dated 11.08.2020 is received enclosing the copy of report dated 28.07.2020 of A.C.P., Halasuru Sub-Division, Bengaluru. It is submitted that A.C.P., Halasuru Sub-Division has enquired into the matter and submitted that during an enquiry, it is found that the accused persons have given contradictory statements before the Investigation officers and the officers being appointed by K.S.H.R.C. Upon examining Pulakeshinagar Station Diary, P.S.R., L.G.

book and the statements of police who arrested the accused, it appears that the arrest was made as per the procedures and there was no evidential proof showing that the accused persons were kept in illegal detention. It is further submitted that there are differences in the complaint filed by the complainant herein before the Commission and the statement given by her before Shri Keshav, Dy.S.P., K.S.H.R.C. The A.C.P of Halasuru Sub-Division has opined that the allegations made by the complainant are baseless and there is no evidence to show that Thirukumar @ Kutti and John Basco @ Amoolraj were detained illegally in Pulakeshinagar police station.

A copy of the above report dated 11-08-2020 was sent to the complainant for her comments. But, the notice is returned with postal endorsement: "insufficient Address Not Known" and hence, it appears that no further enquiry is required or feasible at this stage. Accordingly, the complaint is disposed and proceeding is closed without any recommendation.

Sd/-
(Justice D.H. Waghela)
Chairperson

G.S