

KARNATAKA STATE HUMAN RIGHTS COMMISSION

H.R.C No: 303/10/31/2020

Date: 14-09-2021

PRESENT

Justice D.H. Waghela

Chairperson

Complainant:

Smt. Parvathamma
#4, 3rd Cross,
Subramanya Layout,
Vijayapura,
Bengaluru – 560016

Shri Venkatesh,
#340, 2nd Cross,
Kuvempunagar,
Vijayapura,
Bengaluru – 560016

V.

Respondents:

Shri Chandradhar S R
Police Inspector,
Cyber Crime Police Station
Race course Road,
Bengaluru – 560001

D.G. & I.G.P,
Nrupatunga Road,
Bengaluru – 560001

OPINION, REPORT AND RECOMMENDATION

1. The complaint herein was submitted on 22-01-2020 by aged mother of one Shri Venkatesh on allegation that Shri Venkatesh was taken and kept in police custody since 10.30 a.m. on 21-01-2020. This Commission had ordered an investigation by the Dy.S.P attached to this

Commission. According to the preliminary enquiry report of the Dy.S.P, the Police Inspector, Shri Chandradhar S.R. had brought Shri Venkatesh as an accused person through his staff, Suresh G. H.C – 9461 and Kantaraju, H.C – 8336, without issuing any notice to Shri Venkatesh. And the P.I., Shri Chandradhar had informed Venkatesh that he would initiate arrest formalities against him to which the accused Venkatesh requested for some time to amicably settle the matter with the complainant in the criminal case in Cr. No: 484/2019. But P.I. Shri Chandradhar had refused to let him go and Shri Venkatesh was illegally detained till 05.00 p.m. on 22-01-2020. Thus the finding of the Dy.S.P was that Shri Venkatesh was not issued any notice before being taken to police station on 21-01-2020 and he was illegally detained till 22-01-2020 at 05.00 p.m. and no entries about such detention was made in the police station.

2.On the finding as above, notice was issued to the complainant and P.I. Shri Chandradhar and the hearing of the matter is adjourned from time-to-time mostly at the request of Shri Chandradhar. By now, few letters

purported to have been written by Venkatesh himself have been received to withdraw the complaint before the Commission.

3. On 06-04-2021, P.I. Shri Chandradhar remained personally present and the order as under was made.

“Today, Shri Chandradhara, Police Inspector is personally present and orally stated that the report and finding dated 27-01-2020 of the Dy.S.P, K.S.H.R.C is not correct in so far as he had not actually detained Shri Venkatesh in the H.A.L police station for more than 24 hours and the proper procedure for calling and detaining accused person was not followed.

“He however admitted in clear terms that it is true that Shri Venkatesh was called to the police station on 21-01-2020 and no entries about his visit or detention in the police station have been made in the S.H.D register.

“Today, Shri Chandradhar has produced his own statement with copies of the notices which were issued to Shri Venkatesh, according to him. As for not recording the visit and timing of detention of Shri Venkatesh in the police station, he has no explanation to offer except that it was an enquiry and he thought it fit not to make any entry in the S.H.D, although, he has

admitted that necessary entry with timings were required to be made in the S.H.D.

“S.O to 27-04-2021, inform the officer concerned.”

4. In the above circumstances, it is clear that complainant is no longer interested in pursuing the matter on the one hand, and on the other hand, P.I. Shri Chandradhar has in terms admitted, violation of mandatory provisions of Code of Criminal Procedure, 1973 with regard to arrest and detention as also rules regarding maintaining station diary, for which necessary departmental action need to be taken against him.

5. Hence, it is recommended that:-

(a) The D.G & I.G.P, Karnataka should take appropriate disciplinary action in accordance with law and the relevant service rules so as to pass appropriate order in the interest of discipline and respect for rule of law amongst the police force who have the fundamental duty of protecting and not violating the fundamental rights and human rights of the citizens within their area of operation.

6.It is hereby brought to kind notice of the respondents that, under the provisions of Regulation 22 of the Karnataka State Human Rights Commission (Procedure) Regulations 2020, if any application seeking modification or review of order or proceeding passed by this Commission is received, it may be considered by the Commission for appropriate order.

7.A copy of this Opinion, Report and Recommendations shall be sent to the complainant and respondents forthwith.

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

V.M.N