

KARNATAKA STATE HUMAN RIGHTS COMMISSION

1-4 Floors, 5th Stage, M.S. Building, Bengaluru – 560001

H.R.C No: 88/10/31/2019 (SB – 1)

Date: 04-02-2021

PRESENT

Justice D.H. Waghela
Chairperson

Complainant: Shri Gangadhar Yadhav
#8, 10th Cross,
Vishweshwaraih Layout,
Siddedahalli,
Bengaluru – 560073
Ph No: 8884674468

V.

Respondents:

1. Shri K. Prakash,
Police Inspector,
Economic Offences Wing,
Central Crime Branch,
Bengaluru
2. D.G & I.G.P,
Karnataka State
3. A.C.S, Department of
Home, Govt. of
Karnataka

OPINION, REPORT AND RECOMMENDATIONS

1. This proceeding is initiated on the allegation made in the complaint dated 04-01-2019 that Shri Prakash, Inspector of Police, Special Inquiry, City Crime Branch and his staff had, at the instigation of one Shri Vishwanath Shetty, illegally taken the complainant into their custody from his house on 24-03-2018 and

pressurised him to pay Rs. 2 crores by subjecting him to physical and mental torture. It was further alleged that aforesaid officer obtained cheques of Rs. 17 lakhs, Rs. 25 lakhs and Rs.25,000/- drawn on Bharath Co-operative Bank and seized the complainant's vehicle, cash of Rs. 8 lakhs and jewels.

2. Pursuant to the complaint, several notices were issued to the Commissioner of Police, Bengaluru to file their response and to depute an officer not below the rank of Deputy Commissioner of Police to remain personally present before the Commission for enquiry. But even after awaiting on five dates and for five months, no response was received from the Commissioner of Police, Bengaluru. In the peculiar facts of the case, the then Dy.S.P attached to the Commission was requested to make a preliminary investigation into the case and submit a confidential report. Accordingly report dated 15-10-2019 is received. Since the complaint was about serious and systematic violation of human rights and involved cognizable offences and some incriminating facts were revealed in the investigation report, the case was admitted for enquiry and notices were issued to the complainant; respondent officer, Shri Prakash and the Commissioner of Police, Bengaluru to depute an officer not below the rank of Deputy Commissioner of Police to remain personally present before the Commission. Pursuant to such notices, the complainant has submitted his affidavit dated 31-12-2019 alongwith annexures; and

his witnesses, Shri Velu Nayakar and Shri Senthil have submitted their affidavits dated 31-12-2019. The respondent officer, Shri K. Prakash has submitted his affidavit dated 24-11-2020 alongwith annexures and his statement on oath and replies to queries of the Commission were recorded on 24-11-2020. The Commissioner of Police, Bengaluru has not responded to the notice of the Commission.

3. The findings and opinion of the then Dy.S.P of the Commission in report dated 15-10-2019 states as under:

Findings:

2. *“Based on the complaint filed by Sri. Vishwanath Shetty, Sri. Gangadhar Yadav was brought by the staff of CCB on orders by Sri. K. Prakash, P.I., CCB on 24-03-2018 at 15-50pm without issuing any notice near his home.*

4. *“Eye witness Sri. Velunayakar, member of BBMP ward 22 stated that when the complainant was enquired in the presence of Vishwanath Shetty he was present in the spot, and though the CCB inspector Sri. K. Prakash had no witnesses to prove that the complainant had to give 2 crores to Vishwanath Shetty, he still insisted the complainant to settle 2 crores. The complainant was kept in the lockup without clothes.*

5. *“As per the witness statements on 24-03-2018 at 11.30 pm, the applicant son and witness Sri. Senthil were made to bring Rs. 8 lakh cash and empty cheques which were in the applicant’s house and the applicant was made to sign the cheques. CCB police staff and Vishwanath Shetty took the cheques. The applicant was let go but his car and the golden ornaments were not returned to him. After applicant was allowed to go Vishwanath Shetty and his associates blocked him on the way and kept the applicant with him till 04-04-2018 harassing him mentally for money.”*

Opinion:

“..... Therefore prima facie, based on the statement of witnesses, it appears that the CCB police have encouraged Vishwanath Shetty to commit the act. Sri. K. Prakash, P.I., CCB and his staff were issued notice to appear for enquiry on 14-10-2019 but they have failed to appear for the same. Therefore, this HRC case has to be enquired in detail to ascertain the involvement of the accused police officers and staff.”

4. The complainant has submitted in his affidavit dated 31-12-2019 as under:

2. *“I submit that in view of the alleged complaint on 10-06-2017 foisted by one Sri.*

Vishwanatha Shetty against me on 24-03-2018 at about 12.00 pm, the staff from Central Crime Branch Police forcibly brought me from my house situated at Sidedahalli, Bangalore in my own car Nissan White Colour bearing No. KA-41 MA 5593, to the CCB Head Quarters around 12.50 P.M. at Chamarajapet, Bangalore, regarding some enquiry, one person came with me and other person accompanied us in another Red Car. I was taken inside the CCB police around 1.00 pm, then Sri. K. Prakash forcibly snatched my phone and made me to remove all my clothes including jewels & shoes i.e. jewels includes Six finger rings, one bracelet (Kadaga) one watch and one Navarathna Chain, Neck Chain and kept them in the unlawful custody in CCB, without informing me regarding my detention, the Police Inspector Sri Prakash and his staff assaulted me in lathis very brutally and the Police Inspector abused me in filthy language, I was not given any food or water, then the Police Inspector Sri. Prakash directed me to arrange a sum of Rs. 2,00,00,000/- (Rupees Two Crores Only) Sri. Prakash and his staff took me inside the lockup room, in the basement floor of the Head Quarters. Again around 1.30 P.M again I was physically harassed brutally using lathis, then on Sri.

Vishwanatha Shetty and Sri. Prakash, Police Inspector, Sri. Vishwanatha Shetty and Sri. Ramaprasad threatened me with gun point of dire consequences and directed me to arrange the entire amount.”

4. *“I submit that Sri Prakash forced to call to my house and to bring the available cash and cheque book around 1.00 Pm My son & my driver Sri. Sendhil came with cash of Rs.8,00,000/- (Rupees Eight Lakhs Only) and cheque book and handed over to one police constable then Sri. Vishwanatha Shetty and Sri Ramprasad took the cash and forced me to sign many number of blank cheques and also some blank papers. I demanded the Police Inspector to release my car Nissan White Colour bearing No. KA-41 MA 5593, Original property documents, gold jewels worn by me at the time of my unlawful detention, Sri. Prakash refused to release the same in his unlawful custody.*

6. *“I submit that due to unlawful detention till 04-04-2018, around 7.00 pm. Thereafter on 16-05-2018, I lodged a complaint before the Commissioner of Police, and Director General of Police and Inspector General of Police against the said Prakash, so far no action has been initiated against the Sri. Prakash or made any attempt to release my car, original property documents and my jewels and the same are in the unlawful*

custody of Sri. Prakash, Police Inspector, CCB, Bangalore and also due to my daughter's marriage and also there was a life threat through Sri. Vishwanatha Shetty, & Prakash and due to all these facts I was unable to lodge the complaint before this commission in time, as such there was a delay of nine months in lodging the above complaint....."

5. Shri Velu Nayakar, witness in the case has submitted in his affidavit dated 31-12-2019 as under:

2. "I submit that I know the complainant for more than 10 years, I submit that the complainant's wife called me on 24-03-2018 at about 12.00 PM that her husband Sri. Gangadhara was taken by Central Crime Branch Police forcibly in his own car Nissan regarding some enquiry."

3. "I submit that around 4.30 Pm I went to the CCB office and enquired in the reception about the owner of the car i.e. Gangadhar, and he was informed that Sri. Prakash, Special Investigation Officer has brought him and he is inside his chambers Inspector of Police, then I have been misguided by the CCB police that the said Gangadhara is a cheater and fraud, and they warned me not to involve in the said case and he has not be given proper and correct information and directed me to come at 6.00 Pm, I waited till

6.00 Pm outside CCB office and then went inside them they demanded to arrange Rs.2,00,00,000/- (Two crores only) to release Gangadhara and send him away. I received a telephone call from Gangadhara to bring the available amount in his house, then I told his wife to arrange the amount and send the same through her son and his driver. Then his son brought a sum of Rs.8,00,000/- (Rupees eight lakhs only) in cash and cheque book, accordingly I sent my driver along with Gangadhar son. Apart from this statement I have not given any other statement before the Police statement but the CCB has filed some statement alleged to be given by me, and filed before the Hon'ble High Court of Karnataka at Bangalore, the same is denied is false.”

6. Shri Senthil, witness in the case has stated *inter alia* as under:

1. “I submit that around 10.30 Pm on 24.03.2018 my employer Sri. Velu Naik called me and instructed to come near his house and then he instructed me to take Gangadhara son Sri. Muthuraj along with him and take him to CCB office.

2. “I submit that then I took Gangadhara Son along with me, he was carrying a bag

and informed that he is carrying the amount and cheque book and as we reached the CCB office and his son got down from the car and went inside the CCB office along with one Constable and around 1.30 am Gangadhara came out with his son and took both of them in the car to little distance and one car came near me and took Gangadhara in their car and then I and his son returned home. Apart from this statement I have not given any other statement before the Police statement but the CCB has filed some statement alleged to be given by me, and filed before the Hon'ble High Court of Karnataka at Bangalore, the same is denied is false.”

7. The relevant extract of the affidavit dated 24-11-02020 submitted by the respondent officer, Shri K. Prakash is quoted as under:

3. “That one Sri. Vishwanatha Shetty, S/o. Sundara Shetty had submitted a written complaint dated 10-06-2017 to the office of the Home Department, Government of Karnataka and a copy of the same was also sent to the Commissioner of Police, Bengaluru alleging that the Petitioner herein and Sri. Arun Shetty had cheated him and thereby dishonestly induced him to deliver to them an amount of Rs. 1,33,50,000/-

(One Crore Thirty Three Lakhs and Fifty Thousand Only/-). The said Complaint was subsequently forwarded to the Central Crime Branch, (Special Enquiry) by the Commissioner of Police, Bengaluru City through Joint Commissioner of Police, (Crime) branch.

4. *“That the Joint Commissioner of Police, (Crime) Sri Sateesh Kumar, IPS, directed the Assistant Commissioner of Police, CCB to conduct an inquiry, inform the said Mr. Vishwanatha Shetty and submit the report vide Notice dated 26-09-2017. The same came to be directed to me by the Assistant Commissioner of Police vide endorsement dated 07-10-2017. Relevant extract of the direction in the Notice dated 26-09-2017 is produced as hereunder: “ಈ ಅರ್ಜಿಯ ಬಗ್ಗೆ ವಿಚಾರಣೆ ನಡೆಸಿ, ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಂಡು ಅರ್ಜಿದಾರರಿಗೆ ಹಿಂಬರಹ ನೀಡಿ ಈ ಕಚೇರಿಗೆ ವಿಚಾರಣೆ ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವುದು.” Accordingly, I proceeded to conduct a formal inquiry in the said matter and was providing day-to-day updates to the Joint Commissioner of Police (Crime), Sri. Sateesh Kumar, about the status of the investigation.*

5. *“Since the matter related to a commercial transaction between the two parties, I*

attempted to call upon the parties to come to the office of the Central Crime Branch for the purpose of conducting a preliminary inquiry in accordance with the dictum laid down in Lalita Kumari v. State of UP. However, we could not contact the said Gangadhar Yadav. Subsequently, we were able to trace the Petitioner and informed him about the Complaint filed by Sri. Vishwanatha Shetty. After hearing the same, the Petitioner came to the office of the CCB on 24-03-2018. He was informed of the details regarding the Complaint filed against him by Sri. Vishwanatha Shetty.

6. *“I also asked Sri Vishwanatha Shetty to come to office on 24-03-2018 in pursuance of the preliminary inquiry. Accordingly, both Sri. Vishwanatha Shetty and the Petitioner were present in the office of the CCB on the aforementioned date. The Petitioner and Sri. Vishwanatha Shetty informed us that they will settle the matter amicably as they are known to each other.*

13. *“I do not know in which vehicle he had come to my office and further I didn't further hold custody of any vehicle or any belongings whatsoever, much less the jewellery as claimed. It is a false claim and the same is unsubstantiated. Further the complainant has not even produced any*

material to show that such vehicle was owned and used by him at the relevant point of time.

18. "It is submitted that it was in discharge of the orders of my superior officers that I conducted a preliminary inquiry on 24-03-2018 and not with any ulterior motive or intention and strictly in accordance with law. Furthermore, I have had no correspondence with either the Petitioner herein or Sri. Vishwanath Shetty in any manner whatsoever."

- 8.** The respondent officer, Shri K. Prakash was called upon by the Commission and his statement on oath was recorded on 24-11-2020. He has categorically submitted on oath as under:

"On 24.03.2018 my staff located the presence and intimated the complainant about the petition given by Shri Vishwanatha Shetty at about evening and Shri Viswanatha Shetty also called and came to CCB office, both Shri Viswanath Shetty and Shri Gangadhar Yadav known to each other, so they went out of my office (CCB) to discuss and finalise the matter. They came into our office after few hours and Shri Viswanatha Shetty gave a statement that our matter is settled, as I

have accepted Rupees eight lakhs and few cheques.

“Accordingly, I say that our police man has not brought the complainant to the police station but he had come only his own after intimation by the police. The intimation was about as long pending petition of Shri Viswanatha Shetty against the complainant. The pending petition is dated 10.6.2017 and its true photocopy is annexed to my affidavit submitted today. It is true that no cognizable offence is alleged in the said petition. After that petition, no cognizable offence is registered against the complaint. I do not know any FIR having been registered against the complainant.

“On 24.3.2018 what CCB and I did was an enquiry into the complaint dated 10.06.2017 as aforesaid. I cannot show any legal provision for conducting the enquiry against the complainant on 24.03.2018 or afterwards. I was conducting the enquiry only on the written instructions of Joint Commissioner of Police (Crime), Shri Satish Kumar, DIG. That means my superior instructed to enquiry into a crime which is neither alleged nor registered. I know about the provisions of the Criminal Procedure Code. In this case the procedure in Sub section (i) of Section

155 of the Code of Criminal Procedure, 1973 is not complied with. It is true that sub section (2) of under section 155 to Cr.P.C is not observed in the fact of this case.

“I cannot say whether the complainant would have been required to part with any jewellery or articles and make payment and enter into settlements with Shri Viswanath Shetty, if he had not called and made to sit in the CCB office. I am not aware about the Circular dated 09.02.2018 issued by the office of the Director General and Inspector General of Police, Karnataka State. After reading the said Circular, I say that I have not followed and complied with the instructions contained in the said Circular. I cannot say whether my action in this case amounted to dereliction of duty on my part. I am never given any duty or authorization to work as a recovery agent or any private party. I did not have any authority to bring any parties having financial dispute and make them settle their dispute or do monetary recovery from them. It is true that our CCB office or myself had no reason and no justification to do anything pursuant to the complaint dated 10.06.2017 of Shri Vishwanath Shetty. It is not true that without any legal authority or duty myself

or our office has coerced and forced the complaint to make payments and part with his properties. I do not agree that the role of our office in this case amounted to extortion by the use of our holding a responsible public office. I have no regrets. I am nothing more to say or no any other evidence to be produced.”

In the circular dated 9-02-2018 from D.G & I.G.P, Karnataka, referred to in the above deposition, it is categorically mandated that:

“..... Therefore, all the Unit Officers are directed to sensitize the investigating officers and all jurisdictional police officers on the above observation of the Hon’ble High Court about the statutory provision under section 155(2) of Cr.P.C in the investigation of the non-cognizable cases. Lapses found in this regard, will be viewed seriously....”

9. Considering the rival versions of the complainant and the respondent officer, it comes out quite clearly as undisputed fact that the complainant herein and the complainant before the police, namely Shri Vishwanatha Shetty had a financial transaction and the machinery of the police under the State had come to be used for the purpose of recovery of money and bringing the complainant herein in the confines of C.C.B police station

on 24-03-2018. It is also fairly established on record that some amount of cash and some cheques changed hands during the operation on 24-03-2018 under the auspices of the police officers concerned. The call detail record of the complainant submitted to the Commission shows that complainant was in the office of Central Crime Branch on 24-03-2018 from 17:46:26 to 01:32:53 in the early hours of 25-03-2018. The photographs of the car bearing number - KA-41 MA 5593 show that the car was parked inside the premises of Central Crime Branch office. It is categorically admitted by Police Inspector, Shri K. Prakash that no cognizable offence was alleged or registered against the complainant herein and he had the support of no legal provision for conducting the so-called enquiry against the complaint on 24-03-2018. He has fairly admitted in his statement on oath that the provisions of and the prohibition under Section 155 of the Code of Criminal Procedure, 1973 were not complied with.

10. It is conceded by the respondent officer that he had no justification for acting pursuant to the complaint filed by Shri Vishwanatha Shetty on 10-06-2017. The respondent officer has stated that he was doing a preliminary enquiry in the case as per the orders of his superior officer, Shri Sateesh Kumar, Joint Commissioner of Police (Crime). The instructions issued by Director General & Inspector General of Police, Karnataka State, vide circular dated 09-02-2018 which

gives direction to all the unit officers to sensitize the investigating officers and jurisdictional police officers that “no police shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial”, under Section 155 (b) of The Code of Criminal Procedure, 1973, is clearly violated by the respondent officer by dealing with a matter of civil nature. It is evident and apparent that the police officers concerned are not only lacking in awareness about human rights but were also prone to ignore express provisions of The Code of Criminal Procedure, 1973 and The Indian Penal Code, 1860 while holding a so-called inquiry. The infringement of personal liberty of any person which is enshrined in Article 21 of the Constitution of India is a blatant violation of human rights.

11. It appears from the material placed on record that the wife of the complainant herein had filed a writ petition bearing W.P. No: 29/2018 on 28-03-2018 praying for a writ of habeas corpus on the basis that the complainant herein was unlawfully detained on 24-03-2018, signifying that his detention had continued till filing of the petition. Substantially the same allegations as in the present complaint appear to have been made by the complainant in his complaints before the Commissioner of Police and the D.G & I.G.P. Disposing the petition of wife of the complainant on 05-04-2018, a divisional bench of Hon’ble High Court, has recorded an opinion that

“on 24-03-2018, itself the detenu has been released by the C.C.B. Police and the detenu was not illegally detained by the C.C.B. Police as claimed by this petition.” As recorded in the same order of the Hon’ble High Court, the prayer before the High Court was based on the case that “the petitioner’s husband Gangadhara allegedly detained unlawfully by the second respondent since 24.03.2018 and consequently to direct the first respondent to take appropriate action against the second respondent for illegally detaining her husband without disclosing his whereabouts so far.....” Hence the observation of the Hon’ble High Court as mentioned earlier has to be read in the context of the petition and prayer of the wife of the complainant. There are reasons to believe from the record of the contemporaneous legal proceeding that the complainant herein was in some kind of restraint physically from 24-03-2018 to 25-03-2018 even as he might have been physically and technically released, late in the night on 24-03-2018, from the C.C.B Office. Otherwise his wife would have no reason to approach the Hon’ble High Court on 28-03-2018 with a petition for writ of habeas corpus. However, in the facts adumbrated above, an illegal enquiry, restraint in the C.C.B Office and some kind of coercion on 24-03-2018 are duly proved and practically admitted.

12. Therefore, the Commission is constrained to make the following recommendations:

(a) The Additional Chief Secretary to Government of Karnataka, Department of Home should, in the first instance, pay to the complainant by an account payee cheque in his name, a sum of Rs. 2,00,000/- (Rupees two lakhs only), by way of compensation;

(b) The Additional Chief Secretary, Department of Home should consider issuing further departmental instructions through the D.G & I.G.P, making it clear that if the instruction contained in the previous circular dated 09-02-2018 over and besides the provisions of Section 155 and Sections 41, 41 A and 41 B of The Code of Criminal Procedure, 1973, were found to be consciously violated by any police officer, strict disciplinary action shall be compulsorily initiated and the officer concerned may also face prosecution for wrongful acts which may be amounting to one or the other offences under the I.P.C. It needs to be impressed upon all the police officers of every rank that police have to act under and in accordance with the law and they are not in any way above the law. If need be, refresher courses in the police training

institutes or otherwise may be held for sensitizing the police officers about human rights of ordinary citizens and their duty to protect them and not violate them.

(c) The Director General and Inspector General of Police, Karnataka should order holding of a proper and full-fledged departmental enquiry in accordance with law and the relevant service rules on the basis of violation of human rights, the relevant legal provisions and for other misconducts emerging from this order, so as to afford an opportunity of hearing to the police officers concerned and consider recovery of the amount of compensation from such officers as may be found guilty of any offence, misconduct, negligence and / or dereliction of duty.

13. It may be appropriate to point out at the end that under the provisions of Section 18(e) of The Protection of Human Rights Act, 1993, the State Government or the authority concerned is duty bound to forward within a month, its comments on this report and also report the action taken or proposed to be taken. It is hereby brought to kind notice of the authorities concerned that, under the provisions of Regulation 22 of the Karnataka State Human Rights Commission (Procedure) Regulations 2007, 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.

14. 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

KARNATAKA STATE HUMAN RIGHTS COMMISSION

1-4 Floors, 5th Stage, M.S. Building, Bengaluru – 560001

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5. Shri Velu Nayakar, witness in the case has submitted in his affidavit dated 31-12-2019 as under:

2. "I submit that I know the complainant for more than 10 years, I submit that the complainant's wife called me on 24-03-2018 at about 12.00 PM that her husband Sri. Gangadhara was taken by Central Crime Branch Police forcibly in his own car Nissan regarding some enquiry."

3. "I submit that around 4.30 Pm I went to the CCB office and enquired in the reception about the owner of the car i.e. Gangadhar, and he was informed that Sri. Prakash, Special Investigation Officer has brought him and he is inside his chambers Inspector of Police, then I have been misguided by the CCB police that the said Gangadhara is a cheater and fraud, and they warned me not to involve in the said case and he has not be given proper and correct information and directed me to come at 6.00 Pm, I waited till

6.00 Pm outside CCB office and then went inside them they demanded to arrange Rs.2,00,00,000/- (Two crores only) to release Gangadhara and send him away. I received a telephone call from Gangadhara to bring the available amount in his house, then I told his wife to arrange the amount and send the same through her son and his driver. Then his son brought a sum of Rs.8,00,000/- (Rupees eight lakhs only) in cash and cheque book, accordingly I sent my driver along with Gangadhar son. Apart from this statement I have not given any other statement before the Police statement but the CCB has filed some statement alleged to be given by me, and filed before the Hon'ble High Court of Karnataka at Bangalore, the same is denied is false.”

6. Shri Senthil, witness in the case has stated *inter alia* as under:

1. “I submit that around 10.30 Pm on 24.03.2018 my employer Sri. Velu Naik called me and instructed to come near his house and then he instructed me to take Gangadhara son Sri. Muthuraj along with him and take him to CCB office.

2. “I submit that then I took Gangadhara Son along with me, he was carrying a bag

and informed that he is carrying the amount and cheque book and as we reached the CCB office and his son got down from the car and went inside the CCB office along with one Constable and around 1.30 am Gangadhara came out with his son and took both of them in the car to little distance and one car came near me and took Gangadhara in their car and then I and his son returned home. Apart from this statement I have not given any other statement before the Police statement but the CCB has filed some statement alleged to be given by me, and filed before the Hon'ble High Court of Karnataka at Bangalore, the same is denied is false.”

7. The relevant extract of the affidavit dated 24-11-02020 submitted by the respondent officer, Shri K. Prakash is quoted as under:

3. “That one Sri. Vishwanatha Shetty, S/o. Sundara Shetty had submitted a written complaint dated 10-06-2017 to the office of the Home Department, Government of Karnataka and a copy of the same was also sent to the Commissioner of Police, Bengaluru alleging that the Petitioner herein and Sri. Arun Shetty had cheated him and thereby dishonestly induced him to deliver to them an amount of Rs. 1,33,50,000/-

(One Crore Thirty Three Lakhs and Fifty Thousand Only/-). The said Complaint was subsequently forwarded to the Central Crime Branch, (Special Enquiry) by the Commissioner of Police, Bengaluru City through Joint Commissioner of Police, (Crime) branch.

4. *“That the Joint Commissioner of Police, (Crime) Sri Sateesh Kumar, IPS, directed the Assistant Commissioner of Police, CCB to conduct an inquiry, inform the said Mr. Vishwanatha Shetty and submit the report vide Notice dated 26-09-2017. The same came to be directed to me by the Assistant Commissioner of Police vide endorsement dated 07-10-2017. Relevant extract of the direction in the Notice dated 26-09-2017 is produced as hereunder: “ಈ ಅರ್ಜಿಯ ಬಗ್ಗೆ ವಿಚಾರಣೆ ನಡೆಸಿ, ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಂಡು ಅರ್ಜಿದಾರರಿಗೆ ಹಿಂಬರಹ ನೀಡಿ ಈ ಕಚೇರಿಗೆ ವಿಚಾರಣೆ ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವುದು.” Accordingly, I proceeded to conduct a formal inquiry in the said matter and was providing day-to-day updates to the Joint Commissioner of Police (Crime), Sri. Sateesh Kumar, about the status of the investigation.*

5. *“Since the matter related to a commercial transaction between the two parties, I*

attempted to call upon the parties to come to the office of the Central Crime Branch for the purpose of conducting a preliminary inquiry in accordance with the dictum laid down in Lalita Kumari v. State of UP. However, we could not contact the said Gangadhar Yadav. Subsequently, we were able to trace the Petitioner and informed him about the Complaint filed by Sri. Vishwanatha Shetty. After hearing the same, the Petitioner came to the office of the CCB on 24-03-2018. He was informed of the details regarding the Complaint filed against him by Sri. Vishwanatha Shetty.

6. *“I also asked Sri Vishwanatha Shetty to come to office on 24-03-2018 in pursuance of the preliminary inquiry. Accordingly, both Sri. Vishwanatha Shetty and the Petitioner were present in the office of the CCB on the aforementioned date. The Petitioner and Sri. Vishwanatha Shetty informed us that they will settle the matter amicably as they are known to each other.*

13. *“I do not know in which vehicle he had come to my office and further I didn't further hold custody of any vehicle or any belongings whatsoever, much less the jewellery as claimed. It is a false claim and the same is unsubstantiated. Further the complainant has not even produced any*

material to show that such vehicle was owned and used by him at the relevant point of time.

18. "It is submitted that it was in discharge of the orders of my superior officers that I conducted a preliminary inquiry on 24-03-2018 and not with any ulterior motive or intention and strictly in accordance with law. Furthermore, I have had no correspondence with either the Petitioner herein or Sri. Vishwanath Shetty in any manner whatsoever."

- 8.** The respondent officer, Shri K. Prakash was called upon by the Commission and his statement on oath was recorded on 24-11-2020. He has categorically submitted on oath as under:

"On 24.03.2018 my staff located the presence and intimated the complainant about the petition given by Shri Vishwanatha Shetty at about evening and Shri Viswanatha Shetty also called and came to CCB office, both Shri Viswanath Shetty and Shri Gangadhar Yadav known to each other, so they went out of my office (CCB) to discuss and finalise the matter. They came into our office after few hours and Shri Viswanatha Shetty gave a statement that our matter is settled, as I

have accepted Rupees eight lakhs and few cheques.

“Accordingly, I say that our police man has not brought the complainant to the police station but he had come only his own after intimation by the police. The intimation was about as long pending petition of Shri Viswanatha Shetty against the complainant. The pending petition is dated 10.6.2017 and its true photocopy is annexed to my affidavit submitted today. It is true that no cognizable offence is alleged in the said petition. After that petition, no cognizable offence is registered against the complainant. I do not know any FIR having been registered against the complainant.

“On 24.3.2018 what CCB and I did was an enquiry into the complaint dated 10.06.2017 as aforesaid. I cannot show any legal provision for conducting the enquiry against the complainant on 24.03.2018 or afterwards. I was conducting the enquiry only on the written instructions of Joint Commissioner of Police (Crime), Shri Satish Kumar, DIG. That means my superior instructed to enquiry into a crime which is neither alleged nor registered. I know about the provisions of the Criminal Procedure Code. In this case the procedure in Sub section (i) of Section

155 of the Code of Criminal Procedure, 1973 is not complied with. It is true that sub section (2) of under section 155 to Cr.P.C is not observed in the fact of this case.

“I cannot say whether the complainant would have been required to part with any jewellery or articles and make payment and enter into settlements with Shri Viswanath Shetty, if he had not called and made to sit in the CCB office. I am not aware about the Circular dated 09.02.2018 issued by the office of the Director General and Inspector General of Police, Karnataka State. After reading the said Circular, I say that I have not followed and complied with the instructions contained in the said Circular. I cannot say whether my action in this case amounted to dereliction of duty on my part. I am never given any duty or authorization to work as a recovery agent or any private party. I did not have any authority to bring any parties having financial dispute and make them settle their dispute or do monetary recovery from them. It is true that our CCB office or myself had no reason and no justification to do anything pursuant to the complaint dated 10.06.2017 of Shri Vishwanath Shetty. It is not true that without any legal authority or duty myself

or our office has coerced and forced the complaint to make payments and part with his properties. I do not agree that the role of our office in this case amounted to extortion by the use of our holding a responsible public office. I have no regrets. I am nothing more to say or no any other evidence to be produced.”

In the circular dated 9-02-2018 from D.G & I.G.P, Karnataka, referred to in the above deposition, it is categorically mandated that:

“..... Therefore, all the Unit Officers are directed to sensitize the investigating officers and all jurisdictional police officers on the above observation of the Hon’ble High Court about the statutory provision under section 155(2) of Cr.P.C in the investigation of the non-cognizable cases. Lapses found in this regard, will be viewed seriously....”

9. Considering the rival versions of the complainant and the respondent officer, it comes out quite clearly as undisputed fact that the complainant herein and the complainant before the police, namely Shri Vishwanatha Shetty had a financial transaction and the machinery of the police under the State had come to be used for the purpose of recovery of money and bringing the complainant herein in the confines of C.C.B police station

on 24-03-2018. It is also fairly established on record that some amount of cash and some cheques changed hands during the operation on 24-03-2018 under the auspices of the police officers concerned. The call detail record of the complainant submitted to the Commission shows that complainant was in the office of Central Crime Branch on 24-03-2018 from 17:46:26 to 01:32:53 in the early hours of 25-03-2018. The photographs of the car bearing number - KA-41 MA 5593 show that the car was parked inside the premises of Central Crime Branch office. It is categorically admitted by Police Inspector, Shri K. Prakash that no cognizable offence was alleged or registered against the complainant herein and he had the support of no legal provision for conducting the so-called enquiry against the complaint on 24-03-2018. He has fairly admitted in his statement on oath that the provisions of and the prohibition under Section 155 of the Code of Criminal Procedure, 1973 were not complied with.

10. It is conceded by the respondent officer that he had no justification for acting pursuant to the complaint filed by Shri Vishwanatha Shetty on 10-06-2017. The respondent officer has stated that he was doing a preliminary enquiry in the case as per the orders of his superior officer, Shri Sateesh Kumar, Joint Commissioner of Police (Crime). The instructions issued by Director General & Inspector General of Police, Karnataka State, vide circular dated 09-02-2018 which

gives direction to all the unit officers to sensitize the investigating officers and jurisdictional police officers that “no police shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial”, under Section 155 (b) of The Code of Criminal Procedure, 1973, is clearly violated by the respondent officer by dealing with a matter of civil nature. It is evident and apparent that the police officers concerned are not only lacking in awareness about human rights but were also prone to ignore express provisions of The Code of Criminal Procedure, 1973 and The Indian Penal Code, 1860 while holding a so-called inquiry. The infringement of personal liberty of any person which is enshrined in Article 21 of the Constitution of India is a blatant violation of human rights.

11. It appears from the material placed on record that the wife of the complainant herein had filed a writ petition bearing W.P. No: 29/2018 on 28-03-2018 praying for a writ of habeas corpus on the basis that the complainant herein was unlawfully detained on 24-03-2018, signifying that his detention had continued till filing of the petition. Substantially the same allegations as in the present complaint appear to have been made by the complainant in his complaints before the Commissioner of Police and the D.G & I.G.P. Disposing the petition of wife of the complainant on 05-04-2018, a divisional bench of Hon’ble High Court, has recorded an opinion that

“on 24-03-2018, itself the detenu has been released by the C.C.B. Police and the detenu was not illegally detained by the C.C.B. Police as claimed by this petition.” As recorded in the same order of the Hon’ble High Court, the prayer before the High Court was based on the case that “the petitioner’s husband Gangadhara allegedly detained unlawfully by the second respondent since 24.03.2018 and consequently to direct the first respondent to take appropriate action against the second respondent for illegally detaining her husband without disclosing his whereabouts so far.....” Hence the observation of the Hon’ble High Court as mentioned earlier has to be read in the context of the petition and prayer of the wife of the complainant. There are reasons to believe from the record of the contemporaneous legal proceeding that the complainant herein was in some kind of restraint physically from 24-03-2018 to 25-03-2018 even as he might have been physically and technically released, late in the night on 24-03-2018, from the C.C.B Office. Otherwise his wife would have no reason to approach the Hon’ble High Court on 28-03-2018 with a petition for writ of habeas corpus. However, in the facts adumbrated above, an illegal enquiry, restraint in the C.C.B Office and some kind of coercion on 24-03-2018 are duly proved and practically admitted.

12. Therefore, the Commission is constrained to make the following recommendations:

(a) The Additional Chief Secretary to Government of Karnataka, Department of Home should, in the first instance, pay to the complainant by an account payee cheque in his name, a sum of Rs. 2,00,000/- (Rupees two lakhs only), by way of compensation;

(b) The Additional Chief Secretary, Department of Home should consider issuing further departmental instructions through the D.G & I.G.P, making it clear that if the instruction contained in the previous circular dated 09-02-2018 over and besides the provisions of Section 155 and Sections 41, 41 A and 41 B of The Code of Criminal Procedure, 1973, were found to be consciously violated by any police officer, strict disciplinary action shall be compulsorily initiated and the officer concerned may also face prosecution for wrongful acts which may be amounting to one or the other offences under the I.P.C. It needs to be impressed upon all the police officers of every rank that police have to act under and in accordance with the law and they are not in any way above the law. If need be, refresher courses in the police training

institutes or otherwise may be held for sensitizing the police officers about human rights of ordinary citizens and their duty to protect them and not violate them.

(c) The Director General and Inspector General of Police, Karnataka should order holding of a proper and full-fledged departmental enquiry in accordance with law and the relevant service rules on the basis of violation of human rights, the relevant legal provisions and for other misconducts emerging from this order, so as to afford an opportunity of hearing to the police officers concerned and consider recovery of the amount of compensation from such officers as may be found guilty of any offence, misconduct, negligence and / or dereliction of duty.

13. It may be appropriate to point out at the end that under the provisions of Section 18(e) of The Protection of Human Rights Act, 1993, the State Government or the authority concerned is duty bound to forward within a month, its comments on this report and also report the action taken or proposed to be taken. It is hereby brought to kind notice of the authorities concerned that, under the provisions of Regulation 22 of the Karnataka State Human Rights Commission (Procedure) Regulations 2007, 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.

14. 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

KARNATAKA STATE HUMAN RIGHTS COMMISSION

1-4 Floors, 5th Stage, M.S. Building, Bengaluru – 560001

H.R.C No: 88/10/31/2019 (SB – 1)

Date: 04-02-2021

PRESENT

Justice D.H. Waghela
Chairperson

Complainant: Shri Gangadhar Yadhav
#8, 10th Cross,
Vishweshwaraih Layout,
Siddedahalli,
Bengaluru – 560073
Ph No: 8884674468

V.

Respondents:

1. Shri K. Prakash,
Police Inspector,
Economic Offences Wing,
Central Crime Branch,
Bengaluru
2. D.G & I.G.P,
Karnataka State
3. A.C.S, Department of
Home, Govt. of
Karnataka

OPINION, REPORT AND RECOMMENDATIONS

1. This proceeding is initiated on the allegation made in the complaint dated 04-01-2019 that Shri Prakash, Inspector of Police, Special Inquiry, City Crime Branch and his staff had, at the instigation of one Shri Vishwanath Shetty, illegally taken the complainant into their custody from his house on 24-03-2018 and

pressurised him to pay Rs. 2 crores by subjecting him to physical and mental torture. It was further alleged that aforesaid officer obtained cheques of Rs. 17 lakhs, Rs. 25 lakhs and Rs.25,000/- drawn on Bharath Co-operative Bank and seized the complainant's vehicle, cash of Rs. 8 lakhs and jewels.

2. Pursuant to the complaint, several notices were issued to the Commissioner of Police, Bengaluru to file their response and to depute an officer not below the rank of Deputy Commissioner of Police to remain personally present before the Commission for enquiry. But even after awaiting on five dates and for five months, no response was received from the Commissioner of Police, Bengaluru. In the peculiar facts of the case, the then Dy.S.P attached to the Commission was requested to make a preliminary investigation into the case and submit a confidential report. Accordingly report dated 15-10-2019 is received. Since the complaint was about serious and systematic violation of human rights and involved cognizable offences and some incriminating facts were revealed in the investigation report, the case was admitted for enquiry and notices were issued to the complainant; respondent officer, Shri Prakash and the Commissioner of Police, Bengaluru to depute an officer not below the rank of Deputy Commissioner of Police to remain personally present before the Commission. Pursuant to such notices, the complainant has submitted his affidavit dated 31-12-2019 alongwith annexures; and

his witnesses, Shri Velu Nayakar and Shri Senthil have submitted their affidavits dated 31-12-2019. The respondent officer, Shri K. Prakash has submitted his affidavit dated 24-11-2020 alongwith annexures and his statement on oath and replies to queries of the Commission were recorded on 24-11-2020. The Commissioner of Police, Bengaluru has not responded to the notice of the Commission.

3. The findings and opinion of the then Dy.S.P of the Commission in report dated 15-10-2019 states as under:

Findings:

2. *“Based on the complaint filed by Sri. Vishwanath Shetty, Sri. Gangadhar Yadav was brought by the staff of CCB on orders by Sri. K. Prakash, P.I., CCB on 24-03-2018 at 15-50pm without issuing any notice near his home.*

4. *“Eye witness Sri. Velunayakar, member of BBMP ward 22 stated that when the complainant was enquired in the presence of Vishwanath Shetty he was present in the spot, and though the CCB inspector Sri. K. Prakash had no witnesses to prove that the complainant had to give 2 crores to Vishwanath Shetty, he still insisted the complainant to settle 2 crores. The complainant was kept in the lockup without clothes.*

5. *“As per the witness statements on 24-03-2018 at 11.30 pm, the applicant son and witness Sri. Senthil were made to bring Rs. 8 lakh cash and empty cheques which were in the applicant’s house and the applicant was made to sign the cheques. CCB police staff and Vishwanath Shetty took the cheques. The applicant was let go but his car and the golden ornaments were not returned to him. After applicant was allowed to go Vishwanath Shetty and his associates blocked him on the way and kept the applicant with him till 04-04-2018 harassing him mentally for money.”*

Opinion:

“..... Therefore prima facie, based on the statement of witnesses, it appears that the CCB police have encouraged Vishwanath Shetty to commit the act. Sri. K. Prakash, P.I., CCB and his staff were issued notice to appear for enquiry on 14-10-2019 but they have failed to appear for the same. Therefore, this HRC case has to be enquired in detail to ascertain the involvement of the accused police officers and staff.”

4. The complainant has submitted in his affidavit dated 31-12-2019 as under:

2. *“I submit that in view of the alleged complaint on 10-06-2017 foisted by one Sri.*

Vishwanatha Shetty against me on 24-03-2018 at about 12.00 pm, the staff from Central Crime Branch Police forcibly brought me from my house situated at Sidedahalli, Bangalore in my own car Nissan White Colour bearing No. KA-41 MA 5593, to the CCB Head Quarters around 12.50 P.M. at Chamarajapet, Bangalore, regarding some enquiry, one person came with me and other person accompanied us in another Red Car. I was taken inside the CCB police around 1.00 pm, then Sri. K. Prakash forcibly snatched my phone and made me to remove all my clothes including jewels & shoes i.e. jewels includes Six finger rings, one bracelet (Kadaga) one watch and one Navarathna Chain, Neck Chain and kept them in the unlawful custody in CCB, without informing me regarding my detention, the Police Inspector Sri Prakash and his staff assaulted me in lathis very brutally and the Police Inspector abused me in filthy language, I was not given any food or water, then the Police Inspector Sri. Prakash directed me to arrange a sum of Rs. 2,00,00,000/- (Rupees Two Crores Only) Sri. Prakash and his staff took me inside the lockup room, in the basement floor of the Head Quarters. Again around 1.30 P.M again I was physically harassed brutally using lathis, then on Sri.

Vishwanatha Shetty and Sri. Prakash, Police Inspector, Sri. Vishwanatha Shetty and Sri. Ramaprasad threatened me with gun point of dire consequences and directed me to arrange the entire amount.”

4. *“I submit that Sri Prakash forced to call to my house and to bring the available cash and cheque book around 1.00 Pm My son & my driver Sri. Sendhil came with cash of Rs.8,00,000/- (Rupees Eight Lakhs Only) and cheque book and handed over to one police constable then Sri. Vishwanatha Shetty and Sri Ramprasad took the cash and forced me to sign many number of blank cheques and also some blank papers. I demanded the Police Inspector to release my car Nissan White Colour bearing No. KA-41 MA 5593, Original property documents, gold jewels worn by me at the time of my unlawful detention, Sri. Prakash refused to release the same in his unlawful custody.*

6. *“I submit that due to unlawful detention till 04-04-2018, around 7.00 pm. Thereafter on 16-05-2018, I lodged a complaint before the Commissioner of Police, and Director General of Police and Inspector General of Police against the said Prakash, so far no action has been initiated against the Sri. Prakash or made any attempt to release my car, original property documents and my jewels and the same are in the unlawful*

custody of Sri. Prakash, Police Inspector, CCB, Bangalore and also due to my daughter's marriage and also there was a life threat through Sri. Vishwanatha Shetty, & Prakash and due to all these facts I was unable to lodge the complaint before this commission in time, as such there was a delay of nine months in lodging the above complaint....."

5. Shri Velu Nayakar, witness in the case has submitted in his affidavit dated 31-12-2019 as under:

2. "I submit that I know the complainant for more than 10 years, I submit that the complainant's wife called me on 24-03-2018 at about 12.00 PM that her husband Sri. Gangadhara was taken by Central Crime Branch Police forcibly in his own car Nissan regarding some enquiry."

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and informed that he is carrying the amount and cheque book and as we reached the CCB office and his son got down from the car and went inside the CCB office along with one Constable and around 1.30 am Gangadhara came out with his son and took both of them in the car to little distance and one car came near me and took Gangadhara in their car and then I and his son returned home. Apart from this statement I have not given any other statement before the Police statement but the CCB has filed some statement alleged to be given by me, and filed before the Hon'ble High Court of Karnataka at Bangalore, the same is denied is false.”

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3. “That one Sri. Vishwanatha Shetty, S/o. Sundara Shetty had submitted a written complaint dated 10-06-2017 to the office of the Home Department, Government of Karnataka and a copy of the same was also sent to the Commissioner of Police, Bengaluru alleging that the Petitioner herein and Sri. Arun Shetty had cheated him and thereby dishonestly induced him to deliver to them an amount of Rs. 1,33,50,000/-

(One Crore Thirty Three Lakhs and Fifty Thousand Only/-). The said Complaint was subsequently forwarded to the Central Crime Branch, (Special Enquiry) by the Commissioner of Police, Bengaluru City through Joint Commissioner of Police, (Crime) branch.

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attempted to call upon the parties to come to the office of the Central Crime Branch for the purpose of conducting a preliminary inquiry in accordance with the dictum laid down in Lalita Kumari v. State of UP. However, we could not contact the said Gangadhar Yadav. Subsequently, we were able to trace the Petitioner and informed him about the Complaint filed by Sri. Vishwanatha Shetty. After hearing the same, the Petitioner came to the office of the CCB on 24-03-2018. He was informed of the details regarding the Complaint filed against him by Sri. Vishwanatha Shetty.

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“On 24.3.2018 what CCB and I did was an enquiry into the complaint dated 10.06.2017 as aforesaid. I cannot show any legal provision for conducting the enquiry against the complainant on 24.03.2018 or afterwards. I was conducting the enquiry only on the written instructions of Joint Commissioner of Police (Crime), Shri Satish Kumar, DIG. That means my superior instructed to enquiry into a crime which is neither alleged nor registered. I know about the provisions of the Criminal Procedure Code. In this case the procedure in Sub section (i) of Section

155 of the Code of Criminal Procedure, 1973 is not complied with. It is true that sub section (2) of under section 155 to Cr.P.C is not observed in the fact of this case.

“I cannot say whether the complainant would have been required to part with any jewellery or articles and make payment and enter into settlements with Shri Viswanath Shetty, if he had not called and made to sit in the CCB office. I am not aware about the Circular dated 09.02.2018 issued by the office of the Director General and Inspector General of Police, Karnataka State. After reading the said Circular, I say that I have not followed and complied with the instructions contained in the said Circular. I cannot say whether my action in this case amounted to dereliction of duty on my part. I am never given any duty or authorization to work as a recovery agent or any private party. I did not have any authority to bring any parties having financial dispute and make them settle their dispute or do monetary recovery from them. It is true that our CCB office or myself had no reason and no justification to do anything pursuant to the complaint dated 10.06.2017 of Shri Vishwanath Shetty. It is not true that without any legal authority or duty myself

or our office has coerced and forced the complaint to make payments and part with his properties. I do not agree that the role of our office in this case amounted to extortion by the use of our holding a responsible public office. I have no regrets. I am nothing more to say or no any other evidence to be produced.”

In the circular dated 9-02-2018 from D.G & I.G.P, Karnataka, referred to in the above deposition, it is categorically mandated that:

“..... Therefore, all the Unit Officers are directed to sensitize the investigating officers and all jurisdictional police officers on the above observation of the Hon’ble High Court about the statutory provision under section 155(2) of Cr.P.C in the investigation of the non-cognizable cases. Lapses found in this regard, will be viewed seriously....”

9. Considering the rival versions of the complainant and the respondent officer, it comes out quite clearly as undisputed fact that the complainant herein and the complainant before the police, namely Shri Vishwanatha Shetty had a financial transaction and the machinery of the police under the State had come to be used for the purpose of recovery of money and bringing the complainant herein in the confines of C.C.B police station

on 24-03-2018. It is also fairly established on record that some amount of cash and some cheques changed hands during the operation on 24-03-2018 under the auspices of the police officers concerned. The call detail record of the complainant submitted to the Commission shows that complainant was in the office of Central Crime Branch on 24-03-2018 from 17:46:26 to 01:32:53 in the early hours of 25-03-2018. The photographs of the car bearing number - KA-41 MA 5593 show that the car was parked inside the premises of Central Crime Branch office. It is categorically admitted by Police Inspector, Shri K. Prakash that no cognizable offence was alleged or registered against the complainant herein and he had the support of no legal provision for conducting the so-called enquiry against the complaint on 24-03-2018. He has fairly admitted in his statement on oath that the provisions of and the prohibition under Section 155 of the Code of Criminal Procedure, 1973 were not complied with.

10. It is conceded by the respondent officer that he had no justification for acting pursuant to the complaint filed by Shri Vishwanatha Shetty on 10-06-2017. The respondent officer has stated that he was doing a preliminary enquiry in the case as per the orders of his superior officer, Shri Sateesh Kumar, Joint Commissioner of Police (Crime). The instructions issued by Director General & Inspector General of Police, Karnataka State, vide circular dated 09-02-2018 which

gives direction to all the unit officers to sensitize the investigating officers and jurisdictional police officers that “no police shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial”, under Section 155 (b) of The Code of Criminal Procedure, 1973, is clearly violated by the respondent officer by dealing with a matter of civil nature. It is evident and apparent that the police officers concerned are not only lacking in awareness about human rights but were also prone to ignore express provisions of The Code of Criminal Procedure, 1973 and The Indian Penal Code, 1860 while holding a so-called inquiry. The infringement of personal liberty of any person which is enshrined in Article 21 of the Constitution of India is a blatant violation of human rights.

11. It appears from the material placed on record that the wife of the complainant herein had filed a writ petition bearing W.P. No: 29/2018 on 28-03-2018 praying for a writ of habeas corpus on the basis that the complainant herein was unlawfully detained on 24-03-2018, signifying that his detention had continued till filing of the petition. Substantially the same allegations as in the present complaint appear to have been made by the complainant in his complaints before the Commissioner of Police and the D.G & I.G.P. Disposing the petition of wife of the complainant on 05-04-2018, a divisional bench of Hon’ble High Court, has recorded an opinion that

“on 24-03-2018, itself the detenu has been released by the C.C.B. Police and the detenu was not illegally detained by the C.C.B. Police as claimed by this petition.” As recorded in the same order of the Hon’ble High Court, the prayer before the High Court was based on the case that “the petitioner’s husband Gangadhara allegedly detained unlawfully by the second respondent since 24.03.2018 and consequently to direct the first respondent to take appropriate action against the second respondent for illegally detaining her husband without disclosing his whereabouts so far.....” Hence the observation of the Hon’ble High Court as mentioned earlier has to be read in the context of the petition and prayer of the wife of the complainant. There are reasons to believe from the record of the contemporaneous legal proceeding that the complainant herein was in some kind of restraint physically from 24-03-2018 to 25-03-2018 even as he might have been physically and technically released, late in the night on 24-03-2018, from the C.C.B Office. Otherwise his wife would have no reason to approach the Hon’ble High Court on 28-03-2018 with a petition for writ of habeas corpus. However, in the facts adumbrated above, an illegal enquiry, restraint in the C.C.B Office and some kind of coercion on 24-03-2018 are duly proved and practically admitted.

12. Therefore, the Commission is constrained to make the following recommendations:

(a) The Additional Chief Secretary to Government of Karnataka, Department of Home should, in the first instance, pay to the complainant by an account payee cheque in his name, a sum of Rs. 2,00,000/- (Rupees two lakhs only), by way of compensation;

(b) The Additional Chief Secretary, Department of Home should consider issuing further departmental instructions through the D.G & I.G.P, making it clear that if the instruction contained in the previous circular dated 09-02-2018 over and besides the provisions of Section 155 and Sections 41, 41 A and 41 B of The Code of Criminal Procedure, 1973, were found to be consciously violated by any police officer, strict disciplinary action shall be compulsorily initiated and the officer concerned may also face prosecution for wrongful acts which may be amounting to one or the other offences under the I.P.C. It needs to be impressed upon all the police officers of every rank that police have to act under and in accordance with the law and they are not in any way above the law. If need be, refresher courses in the police training

institutes or otherwise may be held for sensitizing the police officers about human rights of ordinary citizens and their duty to protect them and not violate them.

(c) The Director General and Inspector General of Police, Karnataka should order holding of a proper and full-fledged departmental enquiry in accordance with law and the relevant service rules on the basis of violation of human rights, the relevant legal provisions and for other misconducts emerging from this order, so as to afford an opportunity of hearing to the police officers concerned and consider recovery of the amount of compensation from such officers as may be found guilty of any offence, misconduct, negligence and / or dereliction of duty.

13. It may be appropriate to point out at the end that under the provisions of Section 18(e) of The Protection of Human Rights Act, 1993, the State Government or the authority concerned is duty bound to forward within a month, its comments on this report and also report the action taken or proposed to be taken. It is hereby brought to kind notice of the authorities concerned that, under the provisions of Regulation 22 of the Karnataka State Human Rights Commission (Procedure) Regulations 2007, 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.

14. 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

KARNATAKA STATE HUMAN RIGHTS COMMISSION

1-4 Floors, 5th Stage, M.S. Building, Bengaluru – 560001

H.R.C No: 88/10/31/2019 (SB – 1)

Date: 04-02-2021

PRESENT

Justice D.H. Waghela
Chairperson

Complainant: Shri Gangadhar Yadhav
#8, 10th Cross,
Vishweshwaraih Layout,
Siddedahalli,
Bengaluru – 560073
Ph No: 8884674468

V.

Respondents:

1. Shri K. Prakash,
Police Inspector,
Economic Offences Wing,
Central Crime Branch,
Bengaluru
2. D.G & I.G.P,
Karnataka State
3. A.C.S, Department of
Home, Govt. of
Karnataka

OPINION, REPORT AND RECOMMENDATIONS

1. This proceeding is initiated on the allegation made in the complaint dated 04-01-2019 that Shri Prakash, Inspector of Police, Special Inquiry, City Crime Branch and his staff had, at the instigation of one Shri Vishwanath Shetty, illegally taken the complainant into their custody from his house on 24-03-2018 and

pressurised him to pay Rs. 2 crores by subjecting him to physical and mental torture. It was further alleged that aforesaid officer obtained cheques of Rs. 17 lakhs, Rs. 25 lakhs and Rs.25,000/- drawn on Bharath Co-operative Bank and seized the complainant's vehicle, cash of Rs. 8 lakhs and jewels.

2. Pursuant to the complaint, several notices were issued to the Commissioner of Police, Bengaluru to file their response and to depute an officer not below the rank of Deputy Commissioner of Police to remain personally present before the Commission for enquiry. But even after awaiting on five dates and for five months, no response was received from the Commissioner of Police, Bengaluru. In the peculiar facts of the case, the then Dy.S.P attached to the Commission was requested to make a preliminary investigation into the case and submit a confidential report. Accordingly report dated 15-10-2019 is received. Since the complaint was about serious and systematic violation of human rights and involved cognizable offences and some incriminating facts were revealed in the investigation report, the case was admitted for enquiry and notices were issued to the complainant; respondent officer, Shri Prakash and the Commissioner of Police, Bengaluru to depute an officer not below the rank of Deputy Commissioner of Police to remain personally present before the Commission. Pursuant to such notices, the complainant has submitted his affidavit dated 31-12-2019 alongwith annexures; and

his witnesses, Shri Velu Nayakar and Shri Senthil have submitted their affidavits dated 31-12-2019. The respondent officer, Shri K. Prakash has submitted his affidavit dated 24-11-2020 alongwith annexures and his statement on oath and replies to queries of the Commission were recorded on 24-11-2020. The Commissioner of Police, Bengaluru has not responded to the notice of the Commission.

3. The findings and opinion of the then Dy.S.P of the Commission in report dated 15-10-2019 states as under:

Findings:

2. *“Based on the complaint filed by Sri. Vishwanath Shetty, Sri. Gangadhar Yadav was brought by the staff of CCB on orders by Sri. K. Prakash, P.I., CCB on 24-03-2018 at 15-50pm without issuing any notice near his home.*

4. *“Eye witness Sri. Velunayakar, member of BBMP ward 22 stated that when the complainant was enquired in the presence of Vishwanath Shetty he was present in the spot, and though the CCB inspector Sri. K. Prakash had no witnesses to prove that the complainant had to give 2 crores to Vishwanath Shetty, he still insisted the complainant to settle 2 crores. The complainant was kept in the lockup without clothes.*

5. *“As per the witness statements on 24-03-2018 at 11.30 pm, the applicant son and witness Sri. Senthil were made to bring Rs. 8 lakh cash and empty cheques which were in the applicant’s house and the applicant was made to sign the cheques. CCB police staff and Vishwanath Shetty took the cheques. The applicant was let go but his car and the golden ornaments were not returned to him. After applicant was allowed to go Vishwanath Shetty and his associates blocked him on the way and kept the applicant with him till 04-04-2018 harassing him mentally for money.”*

Opinion:

“..... Therefore prima facie, based on the statement of witnesses, it appears that the CCB police have encouraged Vishwanath Shetty to commit the act. Sri. K. Prakash, P.I., CCB and his staff were issued notice to appear for enquiry on 14-10-2019 but they have failed to appear for the same. Therefore, this HRC case has to be enquired in detail to ascertain the involvement of the accused police officers and staff.”

4. The complainant has submitted in his affidavit dated 31-12-2019 as under:

2. *“I submit that in view of the alleged complaint on 10-06-2017 foisted by one Sri.*

Vishwanatha Shetty against me on 24-03-2018 at about 12.00 pm, the staff from Central Crime Branch Police forcibly brought me from my house situated at Sidedahalli, Bangalore in my own car Nissan White Colour bearing No. KA-41 MA 5593, to the CCB Head Quarters around 12.50 P.M. at Chamarajapet, Bangalore, regarding some enquiry, one person came with me and other person accompanied us in another Red Car. I was taken inside the CCB police around 1.00 pm, then Sri. K. Prakash forcibly snatched my phone and made me to remove all my clothes including jewels & shoes i.e. jewels includes Six finger rings, one bracelet (Kadaga) one watch and one Navarathna Chain, Neck Chain and kept them in the unlawful custody in CCB, without informing me regarding my detention, the Police Inspector Sri Prakash and his staff assaulted me in lathis very brutally and the Police Inspector abused me in filthy language, I was not given any food or water, then the Police Inspector Sri. Prakash directed me to arrange a sum of Rs. 2,00,00,000/- (Rupees Two Crores Only) Sri. Prakash and his staff took me inside the lockup room, in the basement floor of the Head Quarters. Again around 1.30 P.M again I was physically harassed brutally using lathis, then on Sri.

Vishwanatha Shetty and Sri. Prakash, Police Inspector, Sri. Vishwanatha Shetty and Sri. Ramaprasad threatened me with gun point of dire consequences and directed me to arrange the entire amount.”

4. *“I submit that Sri Prakash forced to call to my house and to bring the available cash and cheque book around 1.00 Pm My son & my driver Sri. Sendhil came with cash of Rs.8,00,000/- (Rupees Eight Lakhs Only) and cheque book and handed over to one police constable then Sri. Vishwanatha Shetty and Sri Ramprasad took the cash and forced me to sign many number of blank cheques and also some blank papers. I demanded the Police Inspector to release my car Nissan White Colour bearing No. KA-41 MA 5593, Original property documents, gold jewels worn by me at the time of my unlawful detention, Sri. Prakash refused to release the same in his unlawful custody.*

6. *“I submit that due to unlawful detention till 04-04-2018, around 7.00 pm. Thereafter on 16-05-2018, I lodged a complaint before the Commissioner of Police, and Director General of Police and Inspector General of Police against the said Prakash, so far no action has been initiated against the Sri. Prakash or made any attempt to release my car, original property documents and my jewels and the same are in the unlawful*

custody of Sri. Prakash, Police Inspector, CCB, Bangalore and also due to my daughter's marriage and also there was a life threat through Sri. Vishwanatha Shetty, & Prakash and due to all these facts I was unable to lodge the complaint before this commission in time, as such there was a delay of nine months in lodging the above complaint....."

5. Shri Velu Nayakar, witness in the case has submitted in his affidavit dated 31-12-2019 as under:

2. "I submit that I know the complainant for more than 10 years, I submit that the complainant's wife called me on 24-03-2018 at about 12.00 PM that her husband Sri. Gangadhara was taken by Central Crime Branch Police forcibly in his own car Nissan regarding some enquiry."

3. "I submit that around 4.30 Pm I went to the CCB office and enquired in the reception about the owner of the car i.e. Gangadhar, and he was informed that Sri. Prakash, Special Investigation Officer has brought him and he is inside his chambers Inspector of Police, then I have been misguided by the CCB police that the said Gangadhara is a cheater and fraud, and they warned me not to involve in the said case and he has not be given proper and correct information and directed me to come at 6.00 Pm, I waited till

6.00 Pm outside CCB office and then went inside them they demanded to arrange Rs.2,00,00,000/- (Two crores only) to release Gangadhara and send him away. I received a telephone call from Gangadhara to bring the available amount in his house, then I told his wife to arrange the amount and send the same through her son and his driver. Then his son brought a sum of Rs.8,00,000/- (Rupees eight lakhs only) in cash and cheque book, accordingly I sent my driver along with Gangadhar son. Apart from this statement I have not given any other statement before the Police statement but the CCB has filed some statement alleged to be given by me, and filed before the Hon'ble High Court of Karnataka at Bangalore, the same is denied is false.”

6. Shri Senthil, witness in the case has stated *inter alia* as under:

1. “I submit that around 10.30 Pm on 24.03.2018 my employer Sri. Velu Naik called me and instructed to come near his house and then he instructed me to take Gangadhara son Sri. Muthuraj along with him and take him to CCB office.

2. “I submit that then I took Gangadhara Son along with me, he was carrying a bag

and informed that he is carrying the amount and cheque book and as we reached the CCB office and his son got down from the car and went inside the CCB office along with one Constable and around 1.30 am Gangadhara came out with his son and took both of them in the car to little distance and one car came near me and took Gangadhara in their car and then I and his son returned home. Apart from this statement I have not given any other statement before the Police statement but the CCB has filed some statement alleged to be given by me, and filed before the Hon'ble High Court of Karnataka at Bangalore, the same is denied is false.”

7. The relevant extract of the affidavit dated 24-11-02020 submitted by the respondent officer, Shri K. Prakash is quoted as under:

3. “That one Sri. Vishwanatha Shetty, S/o. Sundara Shetty had submitted a written complaint dated 10-06-2017 to the office of the Home Department, Government of Karnataka and a copy of the same was also sent to the Commissioner of Police, Bengaluru alleging that the Petitioner herein and Sri. Arun Shetty had cheated him and thereby dishonestly induced him to deliver to them an amount of Rs. 1,33,50,000/-

(One Crore Thirty Three Lakhs and Fifty Thousand Only/-). The said Complaint was subsequently forwarded to the Central Crime Branch, (Special Enquiry) by the Commissioner of Police, Bengaluru City through Joint Commissioner of Police, (Crime) branch.

4. *“That the Joint Commissioner of Police, (Crime) Sri Sateesh Kumar, IPS, directed the Assistant Commissioner of Police, CCB to conduct an inquiry, inform the said Mr. Vishwanatha Shetty and submit the report vide Notice dated 26-09-2017. The same came to be directed to me by the Assistant Commissioner of Police vide endorsement dated 07-10-2017. Relevant extract of the direction in the Notice dated 26-09-2017 is produced as hereunder: “ಈ ಅರ್ಜಿಯ ಬಗ್ಗೆ ವಿಚಾರಣೆ ನಡೆಸಿ, ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಂಡು ಅರ್ಜಿದಾರರಿಗೆ ಹಿಂಬರಹ ನೀಡಿ ಈ ಕಚೇರಿಗೆ ವಿಚಾರಣೆ ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವುದು.” Accordingly, I proceeded to conduct a formal inquiry in the said matter and was providing day-to-day updates to the Joint Commissioner of Police (Crime), Sri. Sateesh Kumar, about the status of the investigation.*

5. *“Since the matter related to a commercial transaction between the two parties, I*

attempted to call upon the parties to come to the office of the Central Crime Branch for the purpose of conducting a preliminary inquiry in accordance with the dictum laid down in Lalita Kumari v. State of UP. However, we could not contact the said Gangadhar Yadav. Subsequently, we were able to trace the Petitioner and informed him about the Complaint filed by Sri. Vishwanatha Shetty. After hearing the same, the Petitioner came to the office of the CCB on 24-03-2018. He was informed of the details regarding the Complaint filed against him by Sri. Vishwanatha Shetty.

6. *“I also asked Sri Vishwanatha Shetty to come to office on 24-03-2018 in pursuance of the preliminary inquiry. Accordingly, both Sri. Vishwanatha Shetty and the Petitioner were present in the office of the CCB on the aforementioned date. The Petitioner and Sri. Vishwanatha Shetty informed us that they will settle the matter amicably as they are known to each other.*

13. *“I do not know in which vehicle he had come to my office and further I didn't further hold custody of any vehicle or any belongings whatsoever, much less the jewellery as claimed. It is a false claim and the same is unsubstantiated. Further the complainant has not even produced any*

material to show that such vehicle was owned and used by him at the relevant point of time.

18. "It is submitted that it was in discharge of the orders of my superior officers that I conducted a preliminary inquiry on 24-03-2018 and not with any ulterior motive or intention and strictly in accordance with law. Furthermore, I have had no correspondence with either the Petitioner herein or Sri. Vishwanath Shetty in any manner whatsoever."

- 8.** The respondent officer, Shri K. Prakash was called upon by the Commission and his statement on oath was recorded on 24-11-2020. He has categorically submitted on oath as under:

"On 24.03.2018 my staff located the presence and intimated the complainant about the petition given by Shri Vishwanatha Shetty at about evening and Shri Viswanatha Shetty also called and came to CCB office, both Shri Viswanath Shetty and Shri Gangadhar Yadav known to each other, so they went out of my office (CCB) to discuss and finalise the matter. They came into our office after few hours and Shri Viswanatha Shetty gave a statement that our matter is settled, as I

have accepted Rupees eight lakhs and few cheques.

“Accordingly, I say that our police man has not brought the complainant to the police station but he had come only his own after intimation by the police. The intimation was about as long pending petition of Shri Viswanatha Shetty against the complainant. The pending petition is dated 10.6.2017 and its true photocopy is annexed to my affidavit submitted today. It is true that no cognizable offence is alleged in the said petition. After that petition, no cognizable offence is registered against the complaint. I do not know any FIR having been registered against the complainant.

“On 24.3.2018 what CCB and I did was an enquiry into the complaint dated 10.06.2017 as aforesaid. I cannot show any legal provision for conducting the enquiry against the complainant on 24.03.2018 or afterwards. I was conducting the enquiry only on the written instructions of Joint Commissioner of Police (Crime), Shri Satish Kumar, DIG. That means my superior instructed to enquiry into a crime which is neither alleged nor registered. I know about the provisions of the Criminal Procedure Code. In this case the procedure in Sub section (i) of Section

155 of the Code of Criminal Procedure, 1973 is not complied with. It is true that sub section (2) of under section 155 to Cr.P.C is not observed in the fact of this case.

“I cannot say whether the complainant would have been required to part with any jewellery or articles and make payment and enter into settlements with Shri Viswanath Shetty, if he had not called and made to sit in the CCB office. I am not aware about the Circular dated 09.02.2018 issued by the office of the Director General and Inspector General of Police, Karnataka State. After reading the said Circular, I say that I have not followed and complied with the instructions contained in the said Circular. I cannot say whether my action in this case amounted to dereliction of duty on my part. I am never given any duty or authorization to work as a recovery agent or any private party. I did not have any authority to bring any parties having financial dispute and make them settle their dispute or do monetary recovery from them. It is true that our CCB office or myself had no reason and no justification to do anything pursuant to the complaint dated 10.06.2017 of Shri Vishwanath Shetty. It is not true that without any legal authority or duty myself

or our office has coerced and forced the complaint to make payments and part with his properties. I do not agree that the role of our office in this case amounted to extortion by the use of our holding a responsible public office. I have no regrets. I am nothing more to say or no any other evidence to be produced.”

In the circular dated 9-02-2018 from D.G & I.G.P, Karnataka, referred to in the above deposition, it is categorically mandated that:

“..... Therefore, all the Unit Officers are directed to sensitize the investigating officers and all jurisdictional police officers on the above observation of the Hon’ble High Court about the statutory provision under section 155(2) of Cr.P.C in the investigation of the non-cognizable cases. Lapses found in this regard, will be viewed seriously....”

9. Considering the rival versions of the complainant and the respondent officer, it comes out quite clearly as undisputed fact that the complainant herein and the complainant before the police, namely Shri Vishwanatha Shetty had a financial transaction and the machinery of the police under the State had come to be used for the purpose of recovery of money and bringing the complainant herein in the confines of C.C.B police station

on 24-03-2018. It is also fairly established on record that some amount of cash and some cheques changed hands during the operation on 24-03-2018 under the auspices of the police officers concerned. The call detail record of the complainant submitted to the Commission shows that complainant was in the office of Central Crime Branch on 24-03-2018 from 17:46:26 to 01:32:53 in the early hours of 25-03-2018. The photographs of the car bearing number - KA-41 MA 5593 show that the car was parked inside the premises of Central Crime Branch office. It is categorically admitted by Police Inspector, Shri K. Prakash that no cognizable offence was alleged or registered against the complainant herein and he had the support of no legal provision for conducting the so-called enquiry against the complaint on 24-03-2018. He has fairly admitted in his statement on oath that the provisions of and the prohibition under Section 155 of the Code of Criminal Procedure, 1973 were not complied with.

10. It is conceded by the respondent officer that he had no justification for acting pursuant to the complaint filed by Shri Vishwanatha Shetty on 10-06-2017. The respondent officer has stated that he was doing a preliminary enquiry in the case as per the orders of his superior officer, Shri Sateesh Kumar, Joint Commissioner of Police (Crime). The instructions issued by Director General & Inspector General of Police, Karnataka State, vide circular dated 09-02-2018 which

gives direction to all the unit officers to sensitize the investigating officers and jurisdictional police officers that “no police shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial”, under Section 155 (b) of The Code of Criminal Procedure, 1973, is clearly violated by the respondent officer by dealing with a matter of civil nature. It is evident and apparent that the police officers concerned are not only lacking in awareness about human rights but were also prone to ignore express provisions of The Code of Criminal Procedure, 1973 and The Indian Penal Code, 1860 while holding a so-called inquiry. The infringement of personal liberty of any person which is enshrined in Article 21 of the Constitution of India is a blatant violation of human rights.

11. It appears from the material placed on record that the wife of the complainant herein had filed a writ petition bearing W.P. No: 29/2018 on 28-03-2018 praying for a writ of habeas corpus on the basis that the complainant herein was unlawfully detained on 24-03-2018, signifying that his detention had continued till filing of the petition. Substantially the same allegations as in the present complaint appear to have been made by the complainant in his complaints before the Commissioner of Police and the D.G & I.G.P. Disposing the petition of wife of the complainant on 05-04-2018, a divisional bench of Hon’ble High Court, has recorded an opinion that

“on 24-03-2018, itself the detenu has been released by the C.C.B. Police and the detenu was not illegally detained by the C.C.B. Police as claimed by this petition.” As recorded in the same order of the Hon’ble High Court, the prayer before the High Court was based on the case that “the petitioner’s husband Gangadhara allegedly detained unlawfully by the second respondent since 24.03.2018 and consequently to direct the first respondent to take appropriate action against the second respondent for illegally detaining her husband without disclosing his whereabouts so far.....” Hence the observation of the Hon’ble High Court as mentioned earlier has to be read in the context of the petition and prayer of the wife of the complainant. There are reasons to believe from the record of the contemporaneous legal proceeding that the complainant herein was in some kind of restraint physically from 24-03-2018 to 25-03-2018 even as he might have been physically and technically released, late in the night on 24-03-2018, from the C.C.B Office. Otherwise his wife would have no reason to approach the Hon’ble High Court on 28-03-2018 with a petition for writ of habeas corpus. However, in the facts adumbrated above, an illegal enquiry, restraint in the C.C.B Office and some kind of coercion on 24-03-2018 are duly proved and practically admitted.

12. Therefore, the Commission is constrained to make the following recommendations:

(a) The Additional Chief Secretary to Government of Karnataka, Department of Home should, in the first instance, pay to the complainant by an account payee cheque in his name, a sum of Rs. 2,00,000/- (Rupees two lakhs only), by way of compensation;

(b) The Additional Chief Secretary, Department of Home should consider issuing further departmental instructions through the D.G & I.G.P, making it clear that if the instruction contained in the previous circular dated 09-02-2018 over and besides the provisions of Section 155 and Sections 41, 41 A and 41 B of The Code of Criminal Procedure, 1973, were found to be consciously violated by any police officer, strict disciplinary action shall be compulsorily initiated and the officer concerned may also face prosecution for wrongful acts which may be amounting to one or the other offences under the I.P.C. It needs to be impressed upon all the police officers of every rank that police have to act under and in accordance with the law and they are not in any way above the law. If need be, refresher courses in the police training

institutes or otherwise may be held for sensitizing the police officers about human rights of ordinary citizens and their duty to protect them and not violate them.

(c) The Director General and Inspector General of Police, Karnataka should order holding of a proper and full-fledged departmental enquiry in accordance with law and the relevant service rules on the basis of violation of human rights, the relevant legal provisions and for other misconducts emerging from this order, so as to afford an opportunity of hearing to the police officers concerned and consider recovery of the amount of compensation from such officers as may be found guilty of any offence, misconduct, negligence and / or dereliction of duty.

13. It may be appropriate to point out at the end that under the provisions of Section 18(e) of The Protection of Human Rights Act, 1993, the State Government or the authority concerned is duty bound to forward within a month, its comments on this report and also report the action taken or proposed to be taken. It is hereby brought to kind notice of the authorities concerned that, under the provisions of Regulation 22 of the Karnataka State Human Rights Commission (Procedure) Regulations 2007, 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.

14. 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