

KARNATAKA STATE HUMAN RIGHTS COMMISSION

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

H.R.C No: 6020/SM – 586/14

c/w 6123/2014

Date: 02-11-2020

PRESENT

Shri K.B. Changappa
Member

Shri R.K. Dutta
Member

Complainants:

1. *Suo motu*

2. Superintendent of Police,
Ramanagara

ORDER

This *suo motu* complaint was registered on the basis of newspaper reports dated 28-12-2014 published in Kannada Prabha, Udayavani and Vijaya Karnataka about suspicious death of Barkath Pasha in the custody of Channapatna police. Pursuant to issuance of notice to Inspector General of Police, Central Division, Bengaluru, report dated 06-02-2015 was received. It was reported therein that Shri Shivaraju, P.S.I of Channapatna East Police Station, Ramanagara District was suspended from service and D.S.P of Kunigal Sub-Division, Tumakuru District was appointed as enquiry officer to conduct the disciplinary proceedings against the aforesaid officer under Rule 6 of Karnataka State Police (Disciplinary Proceeding) Rules, 1965/89.

It was submitted by the Inspector General of Police, Central Division, Bengaluru in their report dated 16-04-2016 that investigation into the case was entrusted to C.I.D, Bengaluru and final report would be

submitted to the Commission after the conclusion of investigation.

Further, report dated 03-07-2017 was received from Inspector General of Police, Central Division, Bengaluru stating that charges of dereliction of duty and negligence on the part of Shri Shivaraju, P.S.I of Channapatna East Police Station, Ramanagara District were not proved during the enquiry and hence he was discharged from the proceeding.

The case was listed before the full bench of the Commission on 09-01-2020 and notice was issued to the A.D.G.P, C.I.D, Bengaluru to submit their investigation report and the post-mortem, inquest and magisterial enquiry reports pertaining to the death of Barkath Pasha.

The post-mortem report submitted by Rajarajeshwari Medical College and Hospital, Bengaluru states that 8 external injuries and 12 internal injuries were found on the body of the deceased. It is opined as death was due to “head injury due to blunt force impact; all injuries described are ante-mortem in nature and age of the injuries are fresh at the time of the death. Manner and causation of injuries have to be corroborated with the crime scene”. An unsigned further opinion dated 04-05-2015 issued by Rajarajeshwari Medical College and Hospital answering the queries of C.I.D is enclosed to the report. It is stated in the opinion as under:

- 1. The injury to the head as noted in the PM report No 564/14 [external injuries no-1*

& 2; *internal injuries no 1 to 8 could have been caused by blunt force impact.*

2. *The abrasions noted in PM report No 564/14 could have been caused by friction of skin with hard and rough surface.*

3. *The injury over the left leg and ankle [external injury no 16 & 17] could have been caused by friction of skin with hard and rough surface.*

4. *The pattern of injuries noted over the body of the deceased is suggestive of that due to road traffic accident, which needs to be corroborated with the scene of crime and other evidences.*

5. *Yes, it is possible for one-self to sustain due to fall, as noted in PM report no. 564/14 when hit by a motor cycle.*

The inquest was conducted by C.J (Senior Division) & J.M.F.C, Channapatna. It is stated that the relatives of the deceased have expressed doubts as regards the cause of his death and there were several injuries on the body of the deceased.

It is stated in the report dated 26-10-2016 of D.G.P, C.I.D, Bengaluru that the deceased was an alcoholic and he was addicted to consumption of drugs. It is stated that police attached to Channapatna East police station found the deceased suspiciously in their jurisdiction at Basaveshwaranagar on the early hours on 26-12-2014 and hence he was brought to police station and taken to medical examination on the same day in the afternoon. It is also stated that an enquiry was conducted u/s 169

of The Code of Criminal Procedure, 1973 and he was sent back with his relative, Shri Hayath Baig after obtaining a bail bond. It is stated that Barkath Pasha was not subjected to any harassment by the police. It is further submitted that on the same evening, between 06.00 and 06.30 p.m., the deceased met with an accident while crossing road near Siddu's Lodge on Bengaluru – Mysuru highway and as he was found with many injuries on his body, he was taken to Channapatna Civil Hospital by public, where he was declared 'brought dead'. A U.D.R No: 10/2014 u/s 174 of The Code of Criminal Procedure, 1973 was registered at Channapatna East police station. It is also stated that few local leaders prepared a complaint against Shri Shivaraju, P.S.I of Channapatna East police station stating that Barkath Pasha died in the police custody and obtained signature from the father of the deceased and filed the complaint before Asst. Superintendent of Police, Ramanagara in Cr. No: 208/2014 u/s 302, 343, R/w 34 I.P.C. It is finally reported that after the investigation, it was found that father of the deceased had filed the complaint without being aware of the contents therein and charges made against Shri Shivaraju under the Indian Penal Code, 1860 were dropped and the case was registered as Cr. No: 208/2014 u/s 279-304 (A) I.P.C R/w 134 (A) & (B) of Indian Motor Vehicles Act, 1988. Since the two-wheeler vehicle and the rider who caused the accident could not be traced during the course of investigation, 'C report' was filed before the C.J (Junior Division) & J.M.F.C Court, Channapatna on 10-06-2016.

In view of the material placed on record, it appears that no further enquiry is feasible in the case. Hence, the proceeding is closed and the cases are disposed without any recommendation.

Sd/-
(Shri K.B. Changappa)
Member

Sd/-
(Shri R.K. Dutta)
Member

V.M.N