

KARNATAKA STATE HUMAN RIGHTS COMMISSION

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

H.R.C No: 3572/10/17/2019

Date: 30-11-2020

PRESENT

Justice D.H. Waghela
Chairperson

Shri K.B. Changappa
Member

Shri R.K. Dutta
Member

Complainant: *Suo motu*

V.

Respondent: Superintendent of Police,
Raichuru

ORDER

The *suo motu* proceeding was initiated on the basis of news paper report dated 16-09-2019 published in “*The Hindu*” under the caption – “*Tension as youth dies after assault by Sub-Inspector.*” Upon issuance of notice to the Superintendent of Police, Raichuru, report dated 24-10-2019 was received. It was submitted therein that on 14-09-2019, the P.S.I, Shri Muddurangaswamy of Gabburu police station, alongwith his staff, had gone to bandobasth duty of Ganesh immersion in Govindapura village and during their return, they found commotion near Renuka Dhaba at around 11.30 p.m. Further, the

police took 3 two-wheeler vehicles bearing numbers – KA 36/5458; KA 36 EQ 4056 and KA 33 Q 1230 and brought them to the police station. It was further stated that on 15-09-2019, at about 12.00 p.m., owners of aforesaid two-wheeler vehicles appeared in the police station and sought release of the same. When the police asked them to bring the people who created commotion on the previous night, Shri Manjunath; Shri Shivakumar; Shri Nagaraja and Shri Basha were produced before the P.S.I. During the enquiry, few friends of aforesaid persons gathered in front of the police station; made allegation against the P.S.I that he was assaulting aforesaid persons and staged a protest. The deceased who was present alongwith the crowd in front of the police station fainted due to giddiness and epilepsy and then, he was given first aid by the public. Upon noticing the incident, the P.S.I came out of the police station and sent the deceased to Gabburu General Hospital; a private clinic and later he was taken to Basava Hospital, Raichuru, as his condition was critical. It was stated that doctors at Basava Hospital, Raichuru declared him as ‘brought dead’. Upon

receiving the complaint filed by Shri Khajana Gowda on 16-09-2019, stating that cause of death of the deceased was doubtful, U.D.R No: 14/2019 u/s 174 of Cr.P.C. was registered and body was subjected to post-mortem. It was finally reported that based on the investigation conducted so far and statements of witnesses recorded during enquiry, it did not *prima facie* appear that the P.S.I or any other staff of Gabburu police station were responsible for the death of the deceased.

The post-mortem, inquest and magisterial enquiry reports were called for and received. The post-mortem report submitted by R.I.M.S Hospital, Raichuru states that there were 4 external injuries on the body of the deceased and all the injuries were ante-mortem. The description is as under:

1. *An abrasion of 2cms x 2cms present on the left shoulder.*
2. *An abrasion of 1cm x 0.5cms present over the left elbow joint.*
3. *Small abrasion of 0.5cms x 0.2cms present over the right and left dorsal aspect of both hands and the knee joint.*

*4. Abrasion of 1.5cms x 0.5cm present over
the back of the body.*

The final opinion based on the post-mortem findings and histopathological examination state that death was due to status epilepticus cannot be ruled out.

The inquest was conducted by III J.M.F.C Court, Raichuru. It is reported that relatives of the deceased expressed doubts regarding the cause of his death.

Due to the peculiar circumstance of the case, the Commission, vide order dated 11-09-2020, ordered investigation into the death of the deceased and also directed the I/c I.G.P of the Commission to examine the relatives of the deceased to know the reasons for their suspicion as regards the cause of death of the deceased; to examine witnesses who were present with the deceased to ascertain if there was any ill-treatment by police; to examine if there were any C.C.T.V footages of the incident which happened on 15-09-2019 and to examine the video captured by the home guard, Shri Vishwanath.

Accordingly, report dated 05-11-2020 is received from the I/c I.G.P of the Commission. It is submitted therein

that relatives of the deceased stated that friends of the deceased informed them that the deceased fell unconscious in front of Gabburu police station and showed the video of the incident. And the doctors of the Basava Hospital, Raichuru informed the relatives that the deceased died due to fits (epilepsy) and hence the relatives did not express any doubt regarding the cause of his death. As regards the statement of the witnesses who were present at the spot on 15-09-2019, it is reported that around 05.30 p.m., when the crowd gathered in front of police station were reaching the main gate, the deceased suddenly collapsed and he was immediately given keys in his hands and his feet were rubbed by the public. And the P.S.I, Shri Muddurangaswamy sent the deceased for treatment to Gabburu Government hospital. It is reported that the witnesses to the incident have denied the allegations of assault against police or anybody who were in the police station. As regards examining the C.C.T.V footages, it is reported that Gabburu police station is situated on the national highway. There are paddy fields in the neighborhood and

no buildings or house are in the surrounding and no C.C.T.V footage is available. As regards examining the video captured by the staff of the Gabburu police station, it is reported that Shri Panchamukhi, CPC – 74 recorded the incident upon the instructions of the P.S.I. It is stated that there are 4 video clippings and in one of the clippings, the deceased is seen collapsing and the people around him giving him the first aid. It is also seen that P.S.I, Shri Muddurangaswamy reached the spot and enquired regarding the incident. A copy of the video clipping is produced alongwith the report and the same is examined by the Commission. It is further reported that doctors who conducted the post-mortem stated that injuries on the body of the deceased were caused not due to assault by weapon or instrument but it might have happened when the deceased fell unconscious. And those injuries were not the cause of death of the deceased. It is finally opined by the I/c I.G.P of the Commission as under:

“Therefore, based on the statements of his close relatives, eye witnesses and the post-mortem report of the doctors as well as

the C.D video about the incident, it is clear that there has been no assault on the deceased Shivakumar by Gabburu police.”

In view of the material placed on record, the Commission does not find indication of any suspicious circumstance to enquire further into the complaint. Accordingly, the cases are disposed and proceeding is closed without any recommendation.

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

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

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