

**KARNATAKA STATE HUMAN RIGHTS COMMISSION**

1-4<sup>th</sup> Floor, M.S Building, 5<sup>th</sup> Stage, Bengaluru-560001

**H.R.C. No:** 4161/12 c/w4163/12,  
4165/12, 4299/12  
4259/12 and  
116/101/2015 D.H

Date:19/03/2022

**PRESENT**

Justice D.H. Waghela  
Chairperson

Shri K.B. Changappa  
Member

**Informant:** Commissioner of Police,  
Bengaluru.

**Opinion, Report and Recommendations**

- 1) This proceeding has been initiated upon report of custodial death of one Gurumurthy @ Guru @ Mohammed Ammen in Giri Nagar police station on 14.07.2012. Thereafter, several other complaints are received in respect of the same incident and one complaint also made to the National Human Rights Commission, has been closed on 11.11.2014 on the ground that this Commission had already taken cognisance of the matter. The case appears to have not

been properly attended in this Commission till August-2019. Thereafter the case was referred to ADGP, Karnataka Human Rights Commission, for his opinion which has been submitted by report dated 07.09.2019.

- 2) The initial report dated 15.07.2012 stated *inter alia* that deceased Guru was aged 33 years and was a resident of Bengaluru and five other earlier criminal cases between the year 2002 to 02.02.2011 were closed after recording his acquittal. He was brought to Girinagar police station at 22.15 pm on 13.07.2012 and arrested after enquiry at 00.15 hours on 14.07.2012 in connection with Cr. No. 178/2012 u/s 379 IPC. The complaint against him was that the complainant had caught two persons red handed after they had stolen his purse containing Rs.650/- and the accused were handed over to the police patrolling nearby. At 16.30 hours, deceased Guru appeared to have developed a fit of some sort and also complained of uneasiness and breathlessness. Hence, he was immediately rushed to the Pulse Multi speciality Hospital, where he was referred to the Jayadeva Institute of Cardiovascular Sciences and Research, where he was

examined and pronounced to be brought death at 19.38 hours.

- 3)** That case was referred in Girinagar police station as U.D.R No. 15/2012 u/s 176 of Cr.P.C. By letter dated 03.02.2014 of Director General of Police, CID, Bengaluru to the Director General and Inspector General of Police, Bengaluru it is *inter alia* intimated(in Kannada) as under:

“The local police Sri. Narayan, ASI handed over the accused on 13-07-2012 at 10-15pm to PSI, but he has not mentioned the fight between the accused and public in his report. The station officer, Sri. H.S. Marulappa, PSI has not enquired the complainant thoroughly. The relatives or family members of the accused Gurumurthy and Rizwan were not informed about their arrest on 14.07.2012 at night, neither were the accused subjected to medical examination soon after the arrest. Deceased Gurumurthy suffered from epilepsy (fits) and proper treatment was not given to him. The station P.I, Sri. Srinivas has not inspected or

enquired the incidents of the station for one whole day, neither provided any guidance to his subordinates about the arrest formalities as per the Supreme Court Guidelines and also as per the circular issued in Standing Order No: 937 dated 02-05-1997 issued at Police Head Quarters, Bangalore.

Therefore, requested to take actions against Girinagar Police Station officials 1) Shri Srinivas, P.I, 2) Shri. H.C Marulappa, PSI and 3) Shri Narayana, ASI”.

- 4) Upon case being referred for his opinion to ADGP, Karnataka State Human Rights Commission, by report dated 09.06.2019 the findings and opinion as under are submitted:

**Findings**

“1<sup>st</sup>ACMM, Bangalore, conduct u/s 176 Cr.P.C, mentioned there are no wounds found on the body of the deceased in Col.No-7. But, according to the statement of the deceased wife there were blood clot and wounds in different parts of the leg, as mentioned in Col.No -9 of the inquest report. The doctor in the Post Mortem

report specified in the external injuries column and mentioned the wounds as below.

“1) Two contusions present over upper part of inner aspect of right arm, circular, each measuring 1.5x1.5cm.

“2) Three Contusions present over middle and lower aspect of right arm, each measuring 1.5x1cms

3) Contusion present over lower part of inner aspect of left arm above elbow joint measuring 2x1 cms.

4) Contusion present over outer aspect of middle of left thigh measuring 3x1.5cms. all the contusions are bluish in colour and ANTEMORTEM in nature

“Dr. S.R. Jagannath, Associate Professor of Medical division, KIMSHospital, who conduct the Post Mortem, examined the reports of FSL and Pathology, Micro Biology and Pulse Hospital documents opined "Death is due to Cardio-Respiratory failure as a result of Pulmonary Consolidation and Atherosclerotic lesion of Coronary Arteries (natural death).

“In the Magisterial Enquiry Report, the deceased relative's statements are mentioned as no wounds found on the deceased body. But Col.No-9 of the inquest report, shows the deceased's wife stated before the Magistrate that she noticed the blood clot wounds on the deceased body, which was not highlighted in the MER report.

“The UDR No: 15/2012 u/s 176 Cr.P.C registered at Girinagar P.S has been transferred for further enquiry to CID Bangalore on 17-07-2012 and CID has completed the investigation on the findings that the death of the UTP was a natural death and submitted the final report to the Hon'ble SDM court on 03-08-2013 and the Hon'ble Court accepted the report. The DGP CID sent a report to DG & IGP, Karnataka State, Bangalore about negligence and derelictions of duty by 1) Sri. Srinivas, P.I, 2) Sri. H.C.Marulappa, PSI and 3) Sri. Narayana, ASI. The report mentioned the lapses as below.

“1. The local police Sri. Narayan, ASI handed over the accused on 13-07-2012 at 10-15pm to

PSI, but he has not mentioned the fight between the accused and public in his report.

“2. The SHO, Sri. H.S.Marulappa, PSI has not enquired the complainant thoroughly. The relatives or family members of the accused Gurumurthy and Rizwan were not informed about their arrest neither were the accused subjected to medical examination soon after the arrest. The deceased Gurumurthy suffered from epilepsy and proper treatment was not given to him.

“3. The station P.I, Sri. Srinivas has not inspected or enquired the incidents of the station for one whole day neither provided any guidance to his subordinates about the arrest formalities as per the Supreme Court Guidelines and also as per the circular issued in Standing Order No: 937 dated 02-05-1997 issued at Police Head Quarters, Bangalore.

**“Opinion**

“Apart from the above-mentioned dereliction in duty by police submitted by CID, there are

other lapses also found on verifying the records of the file of the Honorable Commission:

“1. No enquiry has been conducted to find out who sent Sri. Narayana, ASI and Sri. Gangadhar, PC - 8010, incharge of Hoysala No. 84 to the place of the incident.

“2. The investigation officer in CID case should have taken a complaint from the deceased and another person regarding the assault and filed a case.

“3. Though the pickpocketed money was recovered from the deceased and the other person on 13-07-2012, the police have not initiated any enquiry and detained the two of them till 14-07-2012, 04-30 pm.

“4. The Post Mortem report revealed that there were injuries on the body of the deceased and the deceased wife had given her statement before the Magistrate that she noticed blood clot wounds on the leg of the deceased. But the Magistrate in

Col.No -7 has mentioned that there are no injuries on the body which is questionable.

“5. As mentioned in the Post Mortem report, the I.O of CID and the Magistrate have not sought for clarification from the doctors about the cause of injuries on the body and the weapon used for the same.

“Above mentioned points are not available in the final report submitted by the police or the CID investigation report and therefore an opinion cannot be given about the death of the UTP.”

**5)** Having regard to the above facts coming on record, the Commission considered it necessary and proper to record an opinion on oath of an expert in forensic science. Therefore, Dr. Naveen Kumar, a forensic expert working at NIMHANS was called upon to examine the record and give his opinion on oath. His opinion so recorded, reads as under:

“I have seen the papers of this case in HRC No.4161/12 c/w 4163/12 c/w 4165/12. I say from my records that the deceased victim Gurumurthy was treated by me in NIMHANS in

the year 2011. He was treated for epilepsy and alcoholism. He required long term treatment but he had not come to the hospital for treatment.

“I have seen the post mortem report dated 15.07.2012 of KIMS Hospital and Research Centre, Bengaluru in respect of deceased Gurumurthy @ Guru @ Mohammed Ameen. In that post mortem report 04 external injuries are recorded and the cause of death after histopathological examination is recorded as: “Death is due to cardio-respiratory failure as result of pulmonary consolidation and atherosclerotic lesion of coronary arteries. (Natural Death)”.

“In my opinion it was a case of heart attack which could have been precipitated by physical or mental stress. I cannot say that at the time of death the deceased might have epileptic fit. The minor injuries recorded in the post mortem report could have precipitated a heart attack. If the person is vulnerable, the mental and psychological stress of the person in police

custody and being caught red-handed in robbery case could also precipitate a heart attack. It appears from the post mortem, reading the age, weight and body structure of the deceased, there does not appear to be any other physical causes which could have precipitated a heart attack.

“I cannot comment as to whether immediate medical help and treatment could have saved the life of the deceased. There is no material on record to suggest that deceased was medically examined at the time of bringing him or during his stay in the police station lockup. The external injuries recorded in the post mortem were likely to have been caused by beating of the deceased before his death. The nature of external injuries are similar to those which could be caused by a baton or stick or by forceful handling of the parts of the body on which the injuries are formed. In the FSL report, there is no indication of any intake of alcohol within previous 24 hrs”

6) The Above material coming on the court clearly indicates the violations of some of the guidelines issued by the NHRC and Hon'ble Supreme Court. Even if the initial report dated 15.07.2012 of the police is taken at its face value deceased Gurumurthy was charged and acquitted earlier and it was highly improbable that he and another accused person could have been brought and handed over to the police by a single complainant. Even after being taken into police custody and keeping him for about 18 hrs, his family members were not informed about his arrest. Taking him to the hospitals appears in this case to be a mere face-saving formality, as no time or opportunity were infact available for even proper medical examination of the deceased. The other lapses on the part of the police officers concerned are already recorded in the letter dated 03.02.2014 of D.G.P, C.I.D as mentioned herein above in paragraph 3. Therefore, no further enquiry or evidence was necessary to infer the negligence and dereliction of duty by the three police officers. And appropriate action against them having already been advised by the DGP, CID they were not required to be heard for affording to them an opportunity of being heard.

7) The opinion and findings of ADGP, KSHRC further reveals that the deceased had suffered physical injuries, four of which were also recorded in the post mortem report. It transpires that, Sri. Narayan ASI and Sri. Gangadhar PC had reached the place of incident on some mysterious tip and actually caught hold of the deceased at 10.15 P.M on 13.07.2012. The police doesnot seem to have made any serious investigation into the original complaint of theft or robbery against the deceased and another accused person. The cause of external injuries found on the body of the deceased have remained surrounded in mystery, without it being disputed that lastly, the deceased was in care and custody of the police for about 18 hrs. The record of the deceased about the previous criminal cases and treatment for epilepsy and alcoholism are not enough to conclude that death at the age of 33 was “natural death” and negligent handling of the deceased by the police did not precipitate his death. There is no evidence to suggest that the deceased had an epileptic fit when he died. Instead, there is opinion of the Doctor who is an expert of forensic science, suggesting that if the person is vulnerable, the mental and physiological/psychological stress of the person in police custody and being caught red-handed in a robbery case would precipitate a heart attack. Considering such

opinion in light of the external injuries found and recorded in the PM report, death of deceased Gurumurthy is attributable to the negligence or dereliction of duty on the part of the police officers concerned as concluded by the D.G.P, CID, Bengaluru.

**8)** Therefore, the State of Karnataka, is required to be held responsible for the loss of life and violation of human rights by its officers against whom necessary departmental action is already ordered by the D.G.P, CID, Bengaluru

**9)** In the above facts and circumstances the following recommendations are made:

a) The Additional Chief Secretary (Home Department), Government of Karnataka should pay to wife of deceased namely Smt. Shabana Taj, aged about 35 years, then Residing at Muslim graveyard, Hale Guddadahalli, Bangalore a sum of rupees five lakhs by demand draft or account payee cheque in her name within one month, by way of interim compensation.

b) The State Government may consider imposition of appropriate punishment and recovery of the aforesaid amount from the police officers concerned

in accordance with law without prejudice to any other order as may be required.

- 10)** It may be appropriate to point out at the end that under the provisions of Sections 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 2020, if any application seeking modification or review of order or proceeding passed by the Commission for appropriate order.
- 11)** A copy of this Opinion, Report and Recommendations shall be sent by e-mail to the informant forthwith.

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

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

PSD