



**WEST BENGAL HUMAN RIGHTS COMMISSION**

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Ref. No. 151/WBHRC/COM/2012/12-13

Date: 16.7.14.

**Recommendations No. 01, & 02/14-15/WBHRC/COM/2012/12-13**

From: Shri Laima Chozah, IAS  
Principal Secretary & CEO

To The Chief Secretary,  
Government of West Bengal  
'NABANNA',  
325, Sarat Chatterjee Road,  
Howrah-711 102.

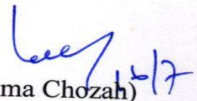
Sir,

I am directed to enclose herewith an authenticated copy of the recommendations dated 01.07.2014 made by the West Bengal Human Rights Commission in connection with a complaint of Smt. Krishna Chakraborty, W/O – Shri Pratap Chakraborty, Chingripota, Santoshpur, P.S. Budge Budge, Dist- South 24 Parganas. The recommendations are self-explanatory.

Action taken or proposed to be taken by the Government on the recommendations may please be intimated to the Commission within two months from the date of communication.

Enclosure: As stated above.

Yours faithfully

  
(Laima Chozah)  
Principal Secretary & CEO

o/c

WEST BENGAL HUMAN RIGHTS COMMISSION

File No. 2012/WBHRC/Com/2012-13

Date - 01-07-2014.

**Present**

1. Sri Naparajit Mukherjee – Acting Chairperson
2. Sri Mani Shankar Dwivedy – Member

**FACTS**

The Commission received a written complaint dated 19.12.12 from Ms. Krishna Chakraborty, Wife of Shri Pratap Chakraborty, Chingripota, Santoshpur, P.S. Budge Budge, Dist. South 24 Parganas alleging therein that six month prior to the date of complaint, the accused S.I. Souvik Majumder of Maheshtola P.S. got acquainted with the complainant and her son. At that time they had discussion about matrimonial dispute of the petitioner and he (S.I., Souvik Majumder) assured the complainant that he had good relationship with all other officers of his P.S. and that he would solve all the complainant's problems and then the O.P. (S.I. Souvik Majumder) took phone numbers of the complainant and her son. The O.P. used to regularly call the complainant on her mobile and one day the O.P. told the complainant to accompany him to a senior officer for solving her problems, on which the complainant went with the O.P. to meet the senior officer, who was found absent. Then the O.P. took the complainant on the banks of river Ganga and made indecent proposals which the complainant objected to. Subsequently, the O.P. dropped the complainant at her residence in a taxi and told her that whenever he would call her she would have to come. The complainant initially did not understand the actual intention of the O.P. but subsequently when she understood his intention she stopped receiving his calls. As the complainant stopped receiving his calls the O.P. started calling the complainant's son and used to tell her son that the complainant should meet the O.P. On 17.12.2012 at 6 p.m. when the complainant's son was returning from

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college the O.P. along with other officers stopped the complainant's son at an isolated place near the Police Station and asked the complainant's son to call his mother. When the complainant's son was talking to her the O.P. snatched the phone from her son and asked the complainant to come. As the complainant refused to come, being infuriated the O.P. assaulted the complainant's son by fists, blows and kicks and snatched the complainant's son's college notes and tore them and took away his bank pass book which he has not returned till date. The complainant apprehending threat to the life of her son, her husband and herself filed a complaint with the Commission praying for necessary relief.

2. The Commission (Justice A. K. Ganguly/Justice N. C. Sil/ Shri S. N. Roy) took cognizance of the matter and directed the S.P., WBHRC to cause enquiry into the matter and submit a report.

3. The enquiry report submitted revealed that the O.P. had brought the complainant's son, Shri Pallav Chakraborty to Maheshtola P.S. and assaulted him which was supported by medical papers. It was also found from the statement of the witnesses that the O.P. was known to the complainant and both of them used to frequent telephonic conversation (which was made with full of sentimental facts).

4. The Commission considered the report and in the interest of justice decided to examine and hear the O.P. S.I., Souvik Majumder and also permitted him to produce witnesses in his defence, if any as his position was likely to be prejudiced by the enquiry using provision of Sec. 16 of Protection of Human Rights Act.

5. The O.P., S.I., Souvik Majumder presently posted at Golabari P.S., Howrah was examined by the Commission on 06.06.2014. The O.P. stated that at the time of incident he was posted at Maheshtola P.S., South 24 Parganas. He also stated that first he came to know Pallav Chakraborty's mother, Krishna

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Chakraborty and then came to know Pallav Chakraborty from the month of June/July, 2012. The O.P. /witness further stated that Pallav Chakraborty asked the O.P. for a loan of Rs.500/- for purchasing books in November, 2012. One evening at about 08-30/09-00 p.m. while the O.P. was on R.T. mobile duty with one constable (whose name the accused does not remember), he found one woman with four boys consuming beer in a Tata Magic vehicle. On interrogation he found that the woman was the complainant, Krishna Chakraborty and one of the four boys was her son Pallav Chakraborty. The O.P. then questioned their conduct. It is further stated by the O.P. /witness that on another date he found complainant and her son at the P.S. when they came to lodge a diary. At that time Pallav Chakraborty asked the O.P. to intervene and solve matrimonial problems between his parents which was then pending at Budge Budge P.S. However, as Krishna Chakraborty and Pallav Chakraborty did not pursue the matter, the O.P. dropped it. The witness further stated that on 17.12.12 when the O.P. was with Constable Jhantu Das (when they were off duty) an altercation took place at Noongi Crossing with Pallav Chakraborty as the latter had not returned his (accused/witness) loan of Rs. 500/- and had demanded a further amount of Rs. 2,500/- from the O.P. When the O.P. refused to pay Pallav abused him and pushed him as Pallav was in drunken condition. The O.P. then telephoned Shyamalbabu (S.I. of Police) who came on his bike and then the O.P., constable Jhantu, and Pallav all went on Shyamalbabu's motor bike and reached the P.S. (admission that Pallav was taken to P.S.) The O.P. /witness further stated that the complainant and her son had called him from her mobile several times. The O.P. admitted that he had sent SMS to the complainant from his mobile No. 9681207053 about 20/24 times and the complainant had also sent about 30/40 SMS from her mobile. It is stated by the O.P./witness that the complainant used to send obscene SMS to him but he did not inform about it to his superiors. The O.P./witness denied having assaulted Pallav Chakraborty at the P.S. and also denied having taken any bag from Pallav or bank pass book or any other papers. The O.P./witness further stated that he had informed about the indecent SMSs received from the complainant by him to Shyamalbabu (S.I.

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of Police) & Suryababu (S.I. of Police) but he has not shown the SMSs to any police officer nor did he take any legal action by filing any G.D. or any written complaint. The O.P./witness had stated that S.I. Shyamalbabu and S.I. Chiranjitbabu slapped Pallav Chakraborty when he was brought to the P.S. ~~stated~~ before the Commission that S.I. Souvik Majumder had brought Pallav Chakraborty and assaulted.

#### DECISION WITH REASON

Considering the materials on record including fact finding report of S.P., WBHRC, evidence as recorded and also the evidence of the accused it is clear that S.I. Souvik Majumder, the then officer of Maheshtola P.S., South 24 Parganas had a relationship with the complainant as it has been admitted by the O.P. himself that there has been regular telephonic conversation between him and the complainant and also exchange of SMS between the parties which prima facie show that there was an intimate /illicit relationship between them.

#### RECOMMENDATION

It has also been proved that the O.P. had assaulted the complainant's son on 17.12.12 and he alone assaulted Pallav Chakraborty by bringing him into Maheshtola P.S. and the same was seen from the medical reports of Vidyasagar Hospital. It is seen from the said medical slip being page 10 of the case diary that the doctor who examined Pallav Chakraborty on 18.12.12 at 01-25 p.m. found one abrasion over right angle of mouth and pain all over the body of the patient. It has been stated that the weapon used was "**blunt**" and the nature of injury was "**simple**". The history of assault as given "was assault by **Souvik Majumder** and others". From the **enquiry report** it is seen that it was the O.P. Souvik Manumder alone assaulted Pallav Chakraborty. However, the O.P. S.I. Souvik Majumder stated before the Commission that it was S.I. Shyamalbabu and S.I. Chiranjitbabu who slapped Pallav Chakraborty when he was brought to the P.S. The Commission observed that though the O.P. Souvik Majumder denied having assaulted Pallav Chakraborty at P.S. he has admitted in the last line of his statement before Commission that Pallav Chakraborty was brought to the P.S. No reason was given by the O.P. as to why Pallav Chakraborty was

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brought to the P.S. when allegedly S.I. Shyamalbabu and S.I. Chiranjitbabu slapped him. So it has come before the Commission that on 17.12.12 Pallav Chakraborty was brought to Maheshtola P.S. and at that time S.I. Souvik Majumder was present at the P.S. As such, it has clearly been established before the Commission that S.I. Souvik Majumder had brought Pallav Chakraborty and assaulted him.

2. Sri Mani Shankar Dwivedy - Member

Considering the unbecoming conduct of S.I., Souvik Majumder, a police officer in Govt. service, it has been clearly established that S.I. Souvik Majumder has clearly **abused his power and position, he being an S.I. of Police by being in an illicit relationship with the complainant (married) and in assaulting her son.**

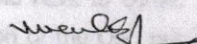
#### **RECOMMENDATION**

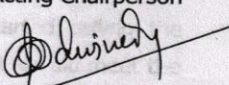
The Commission, therefore, recommends to Government that necessary disciplinary proceedings be initiated by the Commissioner of Police, Howrah against S.I. Souvik Majumder presently posted at Golabari P.S., Howrah. Further, it is recommended that Shri Tarak Nath Masanta, the then I/C of Maheshtala Police Station be cautioned for failing to exercise better control over his subordinates.

Government of West Bengal is requested to intimate the Commission about the action taken or proposed to be taken on the recommendation within a period of 2 months from the date of communication.

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**Lalima Chosah, I.A.S.**  
Secretary & C.E.O.,  
West Bengal Human Rights Commission

  
Sri N. Mukherjee  
Acting Chairperson

  
Sri M. S. Dwivedy  
Member