5864/en/13-14

Government of West Bengal
Office of the Superintendent of Police
North 24-Parganas, Barasat

Memo No 7 600/E /CA-1

To

The Assistant Secretary,
West Bengal Human Rights Commission

Bhabani Bhavan (2nd Floor),

Alipore, Kolkata-27.

2070/12-12

Dated Q 6 / 9 /2013

Sub:- Report regarding the death of Mohim Molla.

Ref:- WBHRC Case No. 721/15/12-13/UC/2076 dated 19/03/2013.

Pursuant to your kind direction the matter has been enquired into by the Sub-Divisional Police Officer, Bashirhat in details. After enquiry he submitted a detail report through the Addl. Supdt. Of Police (North), Barasat alongwith all requisite documents.

from the report and the annexed documents it reveals that on the night of 28/01/13 at about 21.15 hrs. when the BSF Party was performing patrolling duty near the BP No. 13-4R/11 on the indo Bangladesh Border Road, they heard some noise . ASI Amalendu Mahato of BSF Party rushed to the spot and he was entangled by a group of cattle smuggler. They attacked him with deadly weapons. Finding no other alternatives ASI Amalendu Mahato fired two rounds and then the rest BSF party came to the spot . Subsequently the smuggler fled away from the spot. Over the incident Swarupnagar P.S. Case No. 59 dated 29/01/13 U/s 147/148/149/186/188/414/353/323/323/325/333/307 I.P.C. was started on complaint of Sub Inspector, of 152 BN, BSF, BOP, Bithari. Afterward it came to light that One Mahim Molla died due to such BSF firing.

It is also mentioned that a counter case has also been started against the BSF personnel over the same incident vide Swarupnagar P.S. Case No. 111 dated 23/03/13 u/s-325/326/304 IPC on the written complaint of one Abu Hassan Sarder. It was alleged that his son namely Sajit Sarder was also injured in the same incident.

Both the cases are under investigation. All the requisite documents together with the copy of report submitted by the S.D.P.O., Bashirhat and Addl. Supdt. Of Police, (North), Barasat are enclosed herewith for your kind perusal.

This is for favour of your kind information.

Superintendent of police North24-Parganas, Barasat.

EST BENGAL HUMAN RIGHTS COMMISSION



PURTA BHAVAN (2ND FLOOR) BLOCK-DF, SECTOR-I, SALT LAKE, KOLKATA-700 091

PHONE: 2337-2655, FAX: 2337-9633

E-mail: wbhrc8@bsnl.in

Ref. No. 710/ nes HRel com/ 2070/12-13

Date: 22-12-14

From:

Shri Laima Chozah, IAS,

Secretary and C.E.O. and Principal Secretary

to the Govt. of West Bengal.

To:

The Chief Secretary, Govt. of West Bengal,

NABANNA,

325, Sarat Chatterjee Street,

Howrah, Pin - 711 102.

Sub: Death of Mohim Molla

Sir,

In enclosing herewith the copies of the reports bearing Memo Nos. 7027/E/CA-1 dt. 05.08.14 and 7600/E/CA-1 dt.26.07.13 received from the Superintendent of Police, North 24 Pgs, Barasat, I am directed to inform you that on perusal of the report, the West Bengal Human Rights Commission has observed as follows:

> "We may bring this to notice of Chief Secretary, Govt. of West Bengal to take up matter with Union Home Secretary, Ministry of Home affairs."

This is for your kind information and necessary action.

Yours faithfully,

Secretary & C.E.O.

Government of West Bengal, Office of the Addl. Superintendent of Police, Barasat, North 24-Parganas.

Memo. No. 2348 /NZ

Dated 24.7./2013.

To

The Superintendent of Police,

North 24-Parganas,

Barasat.

Sub

Report with respect to death of one Mohim Molla of Hakimpur PS Swarupnagar in BSF

Ref

Your Memo. No. 3221/C/CA-I dt. 31.513 on Case No. 721/15/12-13/UC/2076 dt. 19.3.13

of West Bengal Human Rights Commission.

Siг,

In compliance with your kind direction the matter under reference has duly been enquired into by SDPO, Basirhat and a detail report furnished by him in this regard is enclosed for favour of your kind reference.

During enquiry it is revealed that over the complaint lodged by SI Subhas Ch. Bayen of 152 Bn. BSF, Swarupnagar PS Case No. 59 dt. 29.1.2013 u/s. 147/148/149/186/188/414/353/323/325/333/307 IPC was started and over the complaint of one Abu Hossain Sardar of Bithari PS Swarupnagar, Swarupnagar PS Case No. 111 dt. 23.3.13 u/s. 325/326/304 IPC was started. Investigations of both the cases are under way. Magisterial inquest and PM report of deceased Mohim Molla are enclosed.

This is for favour of your kind perusal.

Yours faithfully,

Enclo: As stated.

Addl. Superintendent of Police, Barasat, North 24-Parganas

Government of West Bengal Office of the Sub-Divisional Police Officent Basirhat, North 24 Pargan

Memo No. 2236/13

The Superintendent of Police, North 24-Parganas, Barasat

Through Proper Channel

Ref. Your good office Memo No. 3221 /C /CA I dt 31/5/13 arising out of HRC Case No. 721/15/12/-13/ UC /2076 dt 19.3.13.

Sub: Enquiry report regarding the death of Mohim Molla S/o Sujauddin Molla of Dahar Konda, PO Hakimpur, PS Swarupnagar in course of Police Action on 28/01/13

With due regards and humble submission, I beg to state that I have gone through the content of the above petition and conducted an enquiry. During enquiry I have discussed all relevant documents available at Swarupnagar PS and examined Sujauddin Molla, Karimuddin Molla and Bapi Gazi. During enquiry it could be & learnt that, Mohim Molla S/o Sujauddin Molla of Dahar konda. Hakimpur. P.S Swarupnagar expired during an encounter with BSF Bithari BOP Swarupnagar on the night of 28/01/13.

On 28/01/13 at 21/15 hrs the BSF party headed by ASI Amalandu Mahato of Bathari BOP, 15.2 Bn. BSF was performing patrolling duty near the BP No. 13-4R/11 on the Indo Bangladesh Border Road, just annexed to the Sonai River then they heard noise of the large group. ASI Amalendo Mahato rushed to the spot and he was entangled by a group of cattle smuggler, who started to assault him by dao, lathi, stones etc and trying to grapes him towards Bangladesh. ASI Amalandu Mohalo fell on the ground and to save his own life and property he fired two rounds from his INSUS rille and then the rest party came to the spot and they also fired two stun grenades. ASI Amalandu Mahato received injury on his persons .Later on one Mohim Molla S/o Sujauddin Molla of Dahar Konda, Hakimpur, P.S. Swarupnagar was brought dead to Saraful Rural Hospital with a history of gun shot injury

During investigation, it came into light that on the right of 28/01/13 at 21. In his when the BSU party headed by ASI. Amalandu Mahato of Bithari BOP, 152 Bn BSF was performing pairoding duty near the BP No 13-4R/11 on the Indo Bangladesh Border Road, just annexed to the Social river then they heard noise of the large group. ASI Amalendu Mahato rushed to the spot and intervened are was entangled by a group of cattle smuggler, who started to assault him by Dao. Lathi, stones etc. and the cattle smuggler is trying to grapes him towards Bangladesh. ASI Amalandu Mohato fell on the ground and sustained injuries on his person. Sensing imminent danger to his life and property he fired two rounds from his INSUS rifle and then the rest party came to the spot and they also fired two stun grenades. After firing, the cattle smuggler fled away from the spot. A case has been mutated P.S- case no- 59 dated 29/01/13 u/s 188/414/353/323/325//333/307 IPC over the complainant of SI Subash Chandra Bayon of 187 Bu BSF, Later on it came into notice that one Mohim Molla was taken to Saraful rural Hospital with a history of gun shot injury and he was brought dead at the Hospital. Injured ASI Amalendu Mahato was treated in the Kalyani BSF Hospital and later on Kalyani JNM Hospital 23/02/13 a complain was received from Abu Hossain Sarder s/o tt Afchar Sarder, Bithari, Swarupnagar which reflects that his son namely Sajit Sarder and others were returning from the house Kemal Gazi after attending a invitation when the incident occurs. This refers to Swarupnagar PS case no 111 dated 23/03/13 u/s 325/326/304 IPC. The complainant also alleged that at that time the cattle smuggler were passing the cattle's towards Bangladesh from Indian side and then ASI Amalendu Mahato fired and this incident happened. The complainants son namely Sajit was also injured in this incident. During enquiry it is assessed that the incident of firing took place in the IBBR just annexed to BP no 13-4R/11 on the night of 28/01/13 at 21/15 hrs while the cattle smuggler were smuggling, cartle and the BSF personal also seized 05 cartles, sharp entring resipons etc from the spot

This is for favour of your kind perusal.

Sub Dersional Police Basirhat, North 24 Parganas

1) Copy of PM Report

2) Copy of Magisterial Inquest Report

3) Copy of seizure list (1& 2)

1) Copy of Zimamana

INQUEST REPORT

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[U/S 176 of CrPC]

REFERENCE CASE NO. 1/13 St 29.1.13 2 PS Case NO 59/1
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As per provision laid U/S. 176 of Cr.P.C.1973 on identification of the dead body by:
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The detailed report in the light of Inquest done is given below:
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4. Age 12. 2
5. Height 5/74
6. Colour or Complexion [At the time of Inquest]
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B. Description of different parts of Body
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5. Palms -
6. Legs
7. Abdomen -
8. Neck
9. Back

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c. We and nature of Injury Marks as found on the body of deceased

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another 1/1" had back soile (left)

one injury at night kneed.

One injury back, side of head.

D. Any Other particular, worthy to be mentioned

E. Apparent cause of death - snywry 1" hole, left side & or below

In order to ascertain the actual cause of death O.C.

PS, hereby directed to arrange for post-morten examination of the dead body by an authorized medical officer of the earliest opportunity and thereafter the dead body be handed over for the request relation of the deceased for its disposal as per custom/rules.

Full signature of the witness



LAI of Kacimuddin Holla Bloc. brothers

Full signature of the persons

Relationship of the identifier with the deceased

[Who identified the dead body.]

nate 29/1/13

Place: Swaryonegar

Jeunara Ku

EXECUTIVE MAGISTRATE

Heak Development Officer Swarupnagar Dev. Block Northi24 Pargane To the Medical Officer
Police Case Hospital
Bass KHAT, N-24 Parganas

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Inspector

Town

29.01.10

SPL-1291/99

AUTHORISATION LETTER TO MAKE OVER THE DEAD BODY

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