

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM**

**Present: Mr. Justice N. Dhinakar,
Hon'ble Chairperson**

Dated this the 18th June, 2009.

H.R.M.P.No HRMP 308/09

Petitioner : Beefathima,
Near AKG Memorial Library
Ramdas Nagar,
Kasaragode.
Respondent : .

ORDER

The petitioner and her son Yacoob are present.

The complaint of the petitioner is that her son Yacoob was taken to Kasaragode Police Station on 17.1.2009 and detained for 30 hours and later released which according to her is illegal and without jurisdiction.

A report was called for from the Superintendent of Police, Kasaragode, who in turn sent the report prepared by the Circle Inspector of Police, Kasaragode, who conducted the enquiry in the above HRMP.

I, even at the out set may say that the report prepared by the Circle Inspector of Police, Kasaragode, is totally unsatisfactory. The allegation in the HRMP is that the petitioner's son Yacoob was detained at the Police Station for more than 30 hours which is illegal and without jurisdiction. In the above circumstances it is expected of any reasonable officer conducting enquiry on the allegation to examine the Police officials of the said Police Station concerned. On the contrary in the report to which statements are

annexed there is nothing to indicate that the Police officials of Kasaragode Police Station were questioned regarding the allegation made against them. The Circle Inspector has annexed only the statements of Yacoob (petitioner's son) and Aboobaker @ Abu, who according to the report is said to have given a complaint against Yacoob. In the report it is stated that Abu gave a complaint at Kasaragode Police Station alleging that the petitioner's son Yacoob committed theft at Pune and thereafter Yacoob was taken to the Police Station and later released and that Abu was advised to give a complaint at Vokas Police Station at Pune where the occurrence is said to have taken place. The explanation given through the report, for taking the petitioner's son to Police Station and detaining him there, on the face of it, is unsatisfactory and if Abu had given a complaint alleging theft at Pune then the Police Officials concerned ought to have directed the said complainant Abu to give a complaint at Pune as the alleged occurrence admittedly had taken place at Pune. On the contrary instead of advising Abu the Police had taken the petitioner's son to the Police Station where he was detained for a considerable time and Abu was thereafter advised to give a complaint at Pune which advice the Police ought to have given even at the beginning instead of taking the petitioner's son to the Police Station, which is illegal and without jurisdiction.

In the above circumstances I direct the Superintendent of Police, Kasaragode, to nominate a Police officer not below the rank of a Deputy Superintendent of Police to conduct a departmental enquiry, as regards the

incident, during which the petitioner, her son and any other witnesses produced by them will be examined and that the officers concerned of the Kasaragode Police Station will also be given opportunity to put forth their side of version and there after pass appropriate orders according to law. The officer nominated by the Superintendent of Police, Kasaragode, will give sufficient notice in advance to the petitioner so that she can present with her evidence on the date and time of enquiry.

The petition is closed with the above direction.

**Justice N. Dhinakar,
Chairperson.**