

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

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

Dated this the 14<sup>th</sup> November, 2007.

H.R.M.P.No.285/07

Petitioner : Valsala,  
W/o Sathyan  
Sandhya Bhavan,  
Near Thozhuvancode Temple,  
Kanjirampara,  
Thiruvananthapuram.

Respondent :

**ORDER**

By order dated 29-10-2007 the office was directed to send summons to the Sub Inspector of Police, Vattiyoorkavu ( who was the S I at Vattiyoorkkavu police station on 17-1-2007) for him to be present for enquiry at Headquarters sitting on 14-11-2007 and accordingly the summons was forwarded to DGP for the purpose of service on the S I of Police.

The DGP by his letter dated 12-11-2007 has intimated that the petitions and summons have been forwarded to the Commissioner of Police, Thiruvananthapuram City for immediate execution and report directly to the Court.

Today when the matter is taken up the S I is not present and the acknowledgement indicating the service of summons on the S I of Police was also not produced though the office requested the acknowledgement showing the service of summons to be produced before this office by 12-11-2007. In any event with a view to give one more opportunity the office is directed to send the summons to the S I of Police, Vattiyorkavu (who was the S I at Vattiyoorkkavu police station on 17-1-2007) and the said summons will be served

by the Commissioner of Police Thiruvananthapuram City on the said S I informing him that the said S I shall be present for hearing at Headquarters sitting on 30-11-2007 failing which the matter will be decided ex-parte. The Commissioner of Police, Thiruvananthapuram City will forward the acknowledgement indicating the service of the summons of the above officer to this commission on or before 26-11-2007. Summons also should be sent to the petitioner and her husband.

(Sd)  
Justice N.Dhinakar,  
Chairperson.

True copy

Registrar.

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

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

Dated this the 2<sup>nd</sup> May 2008.

H.R.M.P.No.285/07

Petitioner : Valsala,  
W/o Sathyan  
Sandhya Bhavan,  
Near Thozhuvancode Temple,  
Kanjirampara,  
Thiruvananthapuram.

Respondent :

O R D E R

The above HRMP was filed by Valsala, wife of Sathyan alias Sathyanesan.

The order is being dictated in the presence of both parties. In the above petition it was alleged that at 3 a.m. on 17-1-2007 Assistant Sub Inspector of Police (ASI), Vattiyoorkavu police Station and some police constables arrived at petitioner's house and questioned her and her husband about the storing of arrack. According to her, when her husband informed the police that he is not doing arrack business then the house was searched and they returned and after half-an-hour the police came back and showed a container stating that it contains arrack and it was in the petitioner's custody. According to the complainant, this was on account of the animosity of the temple authorities of Thozhuvancode Temple against her family, who are managing a private temple. According to the petitioner, there were earlier instances of quarrel between the temple authorities and the petitioner and her family leading to the incident which took place on 17-1-2007. She has alleged in the petition that her husband was falsely implicated at the instigation of temple authorities.

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A report was called for from the Assistant Commissioner of Police, District Crime Records Bureau, Thiruvananthapuram and obtained. In the report it was stated that on an information from Nandakumar, security guard of the temple, Sub Inspector (S I) of Police, Vattiyoorkavu went to petitioner's house and searched. According to the report, another temple employee Mohanan Nair showed five liters container and one liter bottle and few glass tumblers placed in a shed in front of petitioner's house and that the container was full of arrack. In the report it was further stated that thereafter the S I registered crime 21/07 u/s 8(1) and 8(2) of Abkari Act and after conducting preliminary enquiry by examining some witnesses arrested the petitioner's husband Sathyanesan and sent him to court to remand. In the report it was further stated that there was protest by the public and later a detailed enquiry was conducted by the S I from the neighbours of Sathyanesan, petitioner's husband, and during the enquiry it came to the knowledge of the S I that Sathyanesan is a milk vendor and not doing arrack business and that therefore the S I submitted a report before the Public Prosecutor, Sessions Court with all details. According to the report, there was a dispute between the petitioner's family including her husband and the temple authorities and a case was also filed before the High Court of Kerala and that Mohanan Nair assaulted the petitioner's husband Sathyanesan on account of which a complaint was also given to police authorities. According to the report, it came to the knowledge, during the enquiry, that Sathyanesan, petitioner's husband, is only a milk vendor and not doing business in arrack and that the container which was traced from the shed in front of petitioner's house was placed there by Nandakumar, the

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temple security and Mohanan Nair with a view to wreck vengeance and therefore prayer was made to the court to remove Sathyanesan from the array of accused. In the report it was further stated that case was registered against Mohanan Nair and Nandakumar and interim report was filed before JFCM II, Nedumangad.

On the above contentions in the report a final report was called for from the Assistant Commissioner of Police, District Crime Records Bureau, Thiruvananthapuram and accordingly it was filed. In the said report it was stated that on account of several earlier instances resulting in quarrel between the petitioner's family and the temple authorities Mohanan Nair wanted to take revenge on Sathyanesan and secured the support of Nandakumar, the temple security, and had given false complaint to the police after placing the arrack in a shed in front of the house of the petitioner. It was also stated in the final report that the S I recorded the statements of several persons, before he arrested petitioner's husband Sathyanesan, who supported Mohanan Nair. It was further stated in the report that the S I of Police, Vattiyoorkavu was a probationary Sub Inspector during the time of the incident and acted on the basis of the statements of individual persons who are the supporters of Mohanan Nair not knowing that they are being instigated by Mohanan Nair.

The petitioner's husband Sathyanesan and her son Abhilash appeared before me. The Sub Inspector of Police, Vattiyoorkavu also appeared. The petitioner's husband submitted that his wife Valsala is hospitalized and since he is aware of all the facts he appeared and his son Abhilash also confirmed the said statement. The S I, Vattiyoorkavu

submitted before this Commission that on getting information over phone he went to petitioner's residence and after the arrack container was pointed by Mohanan Nair it was recovered and a crime was registered. According to him, the witnesses, when he examined, supported the complaint given by Mohanan Nair against petitioner's husband and therefore he arrested him. He has also submitted that on coming to know that the witnesses have falsely implicated the petitioner's husband at the instigation of Mohanan Nair on account of previous enmity he approached the court and filed an affidavit informing the facts to the court and also made a request to the court to remove Sathyanesan from the case as an accused.

The petitioner's husband Sathyanesan as well as her son Abhilash who appeared before me also admitted the said fact by stating that the S I on coming to know the false complaint given by Mohanan Nair and that the witnesses had given false statements at the instigation of Mohanan Nair informed the court about the said fact and now Sathyanesan is no longer is an accused in the case. According to the petitioner's husband and her son this was on account of the honesty of the officer who had the courage to tell the court that he had committed a mistake as he was falsely misled by Mohanan Nair and his henchmen. It was also stated that Mohanan Nair and Nandakumar are accused in the crime registered at Vattiyoorkavu Police Station and that the investigation is being conducted by the Assistant Commissioner of Police, District Crime Records Bureau, Thiruvananthapuram City.

The petitioner's husband Sathyanesan and her son Abhilash, in fact, submitted before this Commission that they do not want any compensation either from the S I of

Police, Vattiyoorkavu or from the Government since they are of the view that if any compensation is awarded by the Commission it will adversely affect the future career of an honest officer. I record their said submission.

As it had come to the knowledge of this Commission that Mohanan Nair had given a false statement against the petitioner's husband Sathyanesan and was supported by Nandakumar and other temple staff including the 'temple potti', the investigating officer who is investigating the crime registered against Mohanan Nair and Nandakumar will pursue the investigation rigorously to its logical conclusion by charging all those persons responsible for giving false statements implicating Sathyanesan, petitioner's husband, in a crime.

With the above observation and direction the petition is closed.

Justice N.Dhinakar  
Chairperson.