

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

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

Dated this the 7 th May, 2010.

1) H.R.M.P.No.649 of 2009

Petitioner : Bijesh Jacob, S/o Jacob.P.Varghese,
Puthupparambil house,
Vadavathur.P.O, Kottayam Dist.

Respondents : 1) Saju Varghese, Sub Inspector of Police,
Kottayam West Police Station.
2) Sub Inspector of Police,
Kottayam East Police Staton.
3) Rajan, Police Constable,
East Police Station, Kottayam.

2) H.R.M.P.No.651 of 2009

Petitioner : Suresh Thoombunkal,
Vakathanam.P.O,
Kottayam Dist – 686538

Respondent :

COMMON ORDER

The HRMP No.649/09 was filed by the petitioner, Bijesh Jacob, alleging that on getting an information about an accident, a school bus hitting a motor cycle, at about 8.00 p.m. on 1-2-2009 near Kanjikuzhi junction in Kottayam-Kumali road he reached the spot where on account of the accident there was traffic congestion and the Police came to the place very late who used force to disperse the person who gathered there. According to him, the respondents assaulted him at the spot and taken to the Police Station and he was also assaulted in the Police jeep and the Police Station. Thereafter the Police brought some others also to the Police Station and after assault all of them were taken to a hospital and then he was implicated in a false case and that on next day he and others

were produced before the Court which remanded them. He obtained bail on 3-2-2009 and on account of the assault he was admitted in the Medical College Hospital, Kottayam and was discharged on 7-2-2009. He prays for an enquiry in the matter and action against the respondents.

The complaint of the petitioner in HRMP.No.651/09 is that he is an eye witness to the accident on 1-2-2009 and the Police reached the spot late and they lathi charged the public who gathered there and the Police took seven persons into custody. His request is for an enquiry in the matter.

Since both HRMPs relate to the same subject matter, enquiry was ordered by a Member of this Commission and the Chief Investigation Officer (CIO) of this Commission after an enquiry filed a common report and therefore the following common order is passed in both the HRMPs. The CIO has forwarded his report annexing statements of W 1 to 4 and exhibits 1 to 3.

In the report the CIO has stated that on account of the motor accident there was a traffic block and the Police party went to the place and on finding that the traffic is blocked by the public, requested them to disperse. According to the report, Bijesh Jacob, the petitioner in HRMP No.641/09, and others obstructed the Police officials from performing their duty and therefore they were arrested and taken to Kottayam East Police Station where crime 59/09 was registered against them under various offences and the said Bijesh was cited as third accused. It is also stated in the report that crime 58/09 was registered at Kottayam East Police Station on a report given by A.C.Thomas, formerly Deputy Superintendent of Police, Kattappana, and that the accused in the crimes were produced before the Chief Judicial magistrate Court, Kottayam, who remanded them to sub jail, Kottayam and that the accused in both the cases were one and the same.

According to the report, Bijesh Jacob (the petitioner in HRMP 641/09) did not make any complaint before the Magistrate when he was produced.

Further, according to the CIO, notice was sent to Bijesh Jacob directing him to appear for enquiry and to record his statement in connection with the HRMP and that he did not turn up and therefore a registered letter was sent to him which was returned unserved with the endorsement "addressee left". The petitioner in HRMP 651/09, T.G.Suresh, appeared and his statement was recorded and in his statement he has stated, according to the officer, that he has sent this petition only to ensure a fair investigation in the crime registered against the accused and he did not see any altercation between the Police and the public and that he did not see police beating the public.

In view of the above report no further action is required since, Bijesh Jacob, the petitioner in HRMP 649/09, did not appear for enquiry and the registered letter sent to him was returned unserved with the endorsement "addressee left" and T.G.Suresh, the petitioner in HRMP No.651/09 also had no complaint against the Police and stated that he want only a fair investigation in the crimes by the police.

The petitions are, therefore, closed.

Justice N. Dhinakar,
Chairperson.