

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

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

Dated this the 15th October, 2009.

H.R.M.P.No.747/2008

- Petitioners : 1) K.Radhakrishnan,
Mangalathu ved, Chittayam,
Inchavila.P.O, Kollam Dist.
2) N.Radhakrishnan,
Kunnel Puthenveed, Chittayam,
Panayam, Kollam Dist.
- Respondents : 1) Jayaraj, Sub Inspector of Police,
Anchalummod Police Station.
2) Babukkuttan, Head Constable, Do
3) Muralidharan Pillai,
Head Constable, Do,
4) Nandakumar, A S I of Police, Do,
5) Shibu, Police Constable, Do,
6) Rajeev, Police Constable, Do,
7) Solomon, Head Constable, Do.
8) Sabu, Asst. Writer, Do.

ORDER

The complaint in the above HRMP by the petitioners is that while they were traveling in a private bus on 31-12-2007 they were taken to Anchalummod Police Station and were subjected to illegal torture at the Police Station due to previous enmity.

The Chief Investigation Officer (CIO) of this Commission was asked to file a report and accordingly he has filed the report after enquiry.

In the report the CIO has stated that he has examined the petitioners as W5 and W6 and the respondents as W1, W2, W3 and W4. According to the officer he also examined the R1 as W7 and Gopan, the defacto complainant in crime No.584/07 of Anchalummod Police Station, as W8. According to the CIO, on 31-12-2007 at 10.00 p.m. the petitioners were traveling in a private bus plying from Kollam to Ashtamudi, and they were under the influence of alcohol and caused nuisance to fellow passengers and Gopan (W8), the defacto complainant, prevented them for which he was assaulted and therefore they were taken to the Police Station where crime No.584/07 was registered and the petitioners were also taken to the hospital for medical examination.

It is also stated in the report that the petitioners did not complain to the doctor about any ill treatment by the Police and the petitioners were later released on bail and that the present petition is only to save their faces. According to the report, after investigation final report was filed before the Judicial First Class Magistrate-I, Kollam, and the same is pending trial.

The report therefore shows that in respect of the incident complained of crime was registered and a case is pending trial before the Court in the said crime. The question whether the petitioners in a drunken stage caused nuisance to the fellow travelers resulting in Gopan interfering and trying to prevent the petitioners leading to an assault on him is a question which has to be decided by the Court and as it is the exclusive jurisdiction of the Court to give a finding in respect of the

truth or otherwise of the allegation in the crime case and this Commission has no jurisdiction to give any such findings.

In view of the report no further orders are required since the matter had become subjudice. The petition is accordingly closed.

Justice N.Dhinakar
Chairperson.

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