

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

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

Dated this the 7th May, 2009.

H.R.M.P.No.756/2009

Petitioner : B. Sunitha, Anayil house,
Andoorkonam, Pallippuram Village,
Thiruvananthapuram Dist.

Respondents :1) Sub Inspector of Police,
Pothencode Police Station.
2) A police official identifiable by sight

ORDER

The complaint of the petitioner in the above HRMP is that her son Sudheesh was taken into custody by the Sub Inspector of Police, Pothencode Police Station, (R1) at 6.30 p.m. on 16-2-2009 and physically abused and beaten and that he was released only at 4 p.m. on 17-2-2009. According to the complainant, her son was treated at Medical College Hospital, Thiruvananthapuram since his left leg was fractured in the assault by the S I.

The Chief Investigation Officer (C I O) of this Commission was asked to enquire and file his report and accordingly he has filed the report. A perusal of the report shows that he has examined 14 witnesses including Sudheesh, petitioner's son, as W1, the petitioner as W8 and Head Constable, Pothencode Police Station as W4, two Police Constables of the same Police Station as W5 and 6 as well as Saijunath, Jr. S I of Police, who was on working arrangement at Pothencode Police Station as W13, Hazrath, PCT 4090 of A R camp as W12 as well as other witnesses. He has also annexed Exbts A to F with the report.

According to the petitioner, Anshad, one of the persons playing football in the ground, lost his purse and Sudheesh was taken into custody on the statement of Shamnad. Saijunath, Jr. S I (W13), on receiving telephonic information took the two boys to the Police Station where they were questioned and after enquiry Shamnad was released but the petitioner's son Sudheesh was detained and that the boy was later released after an entry in the General Diary. According to the entry in the General Diary Sudheesh was allowed to go with his mother Sunitha (petitioner) at 10.40 p.m. on 16-2-2009 which according to the C I O is not correct since it is contradicted by the entries in the A V register which shows that the boy was allowed to go with his mother only on 17-2-2009. The C I O has further stated that there is nothing in the General Diary with regard to the bringing of the boys to the Police Station and that the entries in the General Diary cannot be accepted. According to the C I O, the Jr. S I (W13) himself admitted that the boy was allowed to go with his mother at 10.30 a.m. on the next day (on 17-2-2009). The statements of the petitioner and her relatives show that the victim was taken to Murukkumpuzha for ayurveda treatment and later taken to Medical College Hospital, Thiruvananthapuram on 18-2-2009 as he was having severe pain on both legs.

According to the C I O, though the doctor did not find any visible injury the victim and his relatives have stated that the boy suffered a fracture on his left leg and the doctor advised him to use a binding slab and his leg was seen bandaged. According to the C I O, the boy was kept in illegal detention and the police officials did not even take into consideration that the boy was only 14 years old and it is not proper to keep such a young boy in the Police Station without even informing his parents or guardian. According to the C I O, the officers did not function effectively and the main issue relating to theft of purse was also not investigated and the police officials have shown callous attitude at the Police Station. According to him, experienced police officials like

the Head Constable, A S I, etc; who were at the Police Station did not properly guide the newly appointed Jr. S I and that the enquiry conducted by the Deputy Superintendent of Police, DCRB, Thiruvananthapuram, has also disclosed physical abuse on the boy by two police officials and on his report the Inspector General of Police, Thiruvananthapuram range has placed Shibu.S.V.Das, Head Constable (W4) and V.Sivan, P.C. 5305 (W5) under suspension and Departmental disciplinary proceedings were also initiated against Saijunath, Jr. Sub Inspector of Police (W13) and B. Anilkumar, Circle Inspector of Police, Kazhakkuttam.

The above report therefore shows that an young boy of 14 years old was detained illegally at Pothencode Police Station where he was assaulted and false entries in the General Diary were made.

In view of the above I deem it necessary to award compensation to the boy Sudheesh (W1), son of the petitioner Sunitha (W8) and accordingly the Government is directed to pay a sum of Rs.50,000/- (Rupees fifty thousand only) to Sudheesh (W1) and the said amount will be recovered from the officials who are found guilty in the departmental proceedings.

With the above direction the petition is closed. Send a copy of this order to the petitioner and the Secretary to Government, Home Department, Secretariat, Thiruvananthapuram.

Justice N.Dhinakar,
Chairperson.