

Bihar Human Rights Commission

9, Bailey Road, Patna – 800015

BHRC/Comp –1827/13

Case of Dhaneshwar Sharma: Registration of a Criminal Case on the basis of forged Signature.

Sh. Dhaneshwar Sharma @ Budhan Sharma, village Dumri, Post Bharthu, P.S. Ghosi, district **Jehanabad** had complained to BHRC regarding registration of Ghosi P.S. Case No.115/2011 dated 21.4.2011 u/s 341, 323, 504, 506 IPC and section 3(1) SC/ST Prevention of Atrocities Act, **against him and four others on the basis of forged signature of complainant Kapil Mochi** vill. Chiri, PS. Ghoshi. The case was fraudulently lodged by the then SHO Ghosi P.S, S.I, Umesh Singh (now in Madhubani) and investigated by the then S.I. Dharampal (now in Darbhanga) submitting charge-sheet against Sh. Dhaneshwar Sharma & others on 30.07.2011. The petitioner (Sh. Dhaneshwar Sharma) was deliberately harassed and put under mental agony by the then SHO at the behest of a village strongman with whom he was related.

2. Sh. Dhaneshwar Sharma & others, who were framed in the case, were subsequently **acquitted** by the Addl. District Judge, Jehanabad in S.T. No.78/2012 on 3.9.2012. The matter was also enquired at the behest of **DGP, Bihar** by **Sh. Navin Chandra Jha, ASP Arwal, who also found the allegations of forging of signature of Kapil Mochi as true**. On the directions of **IG (Weaker Sections) CID, Bihar, SP Madhubani** and **SSP Darbhanga** placed both the above police officers(S.I Umesh Singh & Dharampal) under **suspension** and **Madhubani departmental proceeding** no.26/13 was started against **SI, Umesh Singh** and **Darbhanga departmental proceeding** no.21/13 was started against **SI, Dharampal** .

3. **The Commission, in its order dated 19.03.2014, asked for comments/reports from the Home Department and DGP, Bihar by 31st May,2014 on the following points:-**

- (a) It was established that a false case was lodged on the basis of **forged signature** of Sh.Kapil Mochi then **why a criminal case could not be registered against the responsible Police officers so far?**

(b) Why a compensation of Rs. fifty thousand be not granted to the petitioner .

4. **IG (WS) CID, Bihar and SP, Jehanabad** informs that a **criminal case vide Ghosi PS Case No. 162/14 dt. 16.06.2014 u/s 419/ 420/ 465/ 182/ 211/193/IPC** has been registered against **S.I, Umesh Kumar Singh, the then SHO, Ghosi and S.I, Dharampal** and it is under investigation. IG (WS) CID, Bihar has also recommended to the Home Deptt. for grant of compensation to the victim. Comments from the Home Deptt. has not been received.

5. **Commission, therefore, directs following actions in the matter:-**

(a) **A compensation of Rs.50, 000/-(Fifty Thousand) be paid to the petitioner by the Home Deptt. Within two months for the Human Rights Violations he has suffered so far.**

(b) **Departmental proceedings started against both the officers to be concluded within six months.**

(c) **Investigation of the criminal case instituted against both the Police officers (Ghosi PS Case No. 162/14 dated 16.06.2014) be concluded preferably within six months .**

6. Copy of the order be sent to the (i) **Principal Secretary, Home Department** (ii) **DGP, Bihar** (iii) **IG, (Weaker Sections) CID, Bihar, Patna** & (IV) **SP, Jehanabad** for necessary action and to the **Petitioner** for information.

Date: 15.07.2014

Sd/-
(Neelmani)
Member

SP/DS