

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.

This is regarding BHRC Case No.1827/13 relating to complaint of Sh. Dhaneshwar Sharma @ Budhan Sharma, village Dumri, Post Bharthu, P.S. Ghosi, district **Jehanabad** pertaining to 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 complainant and four others **on the basis of forged signature of complainant Kapil Mochi** vill. Chiri, PS. Ghoshi. The case was lodged by the then SHO Ghosi P.S, S.I, Umesh Singh (now posted in Madhubani distt.) and investigated by the then S.I. Dharampal (now posted in Darbhanga district) who submitted charge sheet against the accused persons on 30.07.2011. The accused persons were deliberately harassed and put under mental agony by the then SHO at the behest of a village strongman with whom the SHO was related to. The accused persons, 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.

2. According to the report of SP, Jehanabad (letter no.120/म०अ० dated 2.11.2013) enclosing the detailed enquiry report of Addl. SP-cum-SDPO Jehanabad (letter no.3163 dated 10.10.2013) the matter came to the knowledge of DGP, Bihar on whose direction DIG, Gaya instructed **ASP, Arwal** to supervise this case. The ASP found the allegations false and recommended submission of supplementary final report in the case. **The ASP Arwal also found the allegations of forging of signature of the complainant Kapil Mochi as true** (Supervision note submitted vide ASP memo no. 32 dt. 14.01.2012).

3. Report from SP, Jehanabad indicates that in compliance with the directions from **IG Weaker Sections CID, Bihar** (memo no.993/पि०नि०को० dated 4.6.2013) **SP Madhubani** and **SSP Darbhanga** have placed both the police officers under **suspension**. Madhubani **departmental proceeding** no.26/13 has been started against **SI, Umesh Singh** on 12th June, 2013 and Darbhanga

departmental proceeding no.21/13 has been started against **SI, Dharampal** on 12th June, 2013.

4. The Commission would like to know from the Home Department and DGP, Bihar on following points:-

- (a) It has been established in the enquires conducted by the Police deptt. that a false case was lodged on the basis of **forged signature** of Sh.Kapil Mochi. **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 recommended to the petitioner for human rights violations he has suffered so far?

4.2. The Commission would be expecting comments/reports from Principal Secretary, Home and DGP, Bihar on the above points by 31st May, 2014.

5. Complaint filed in BHRC (pages 50-1/c) and the report of SP, Jehanabad (pages 57-55/c) be sent along with copy of this order to (i) **Principal Secretary, Home Department**, (ii) **DGP, Bihar** and (iii) **IG, Weaker Sections, CID, Bihar, Patna** for necessary action.

Date: 19.3.2014

SP/DS

Sd/-
(Neelmani)
Member