



BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File No. BHRC/Comp.4541/13

Subject: High-handedness of Sub-Inspector investigating a case.

Case of Sh. Gadadhar Pathak, distt. Sitamarhi

Sh. Gadadhar Pathak, S/o Late Jageshwar Pathak, vill. Bhasar, PS. Sitamarhi Sadar, distt. Sitamarhi had complained to the Commission regarding high-handedness of Investigating Officer(I.O) of Sitamarhi Town PS Case No. 1082/13 dt. 05.11.2013 dt. 05.11.2013 u/s 341/323/324/307/504/34 IPC lodged by him. Petitioner (71 yrs) alleged that he had complained against the I.O to senior officers due to which he was annoyed and had warned to teach him a lesson.

2. SP, Sitamarhi informed that **Charge-Sheet dt. 30.11.2013** was submitted against **F.I.R** accused in the case as per information given by I.O, **S.I**, B. C Nayak (now retired). Petitioner contradicted it enclosing copy of the Court order sheet indicating that Charge-Sheet was not received in the Court.

3. SP, Sitamarhi was directed to fix-up responsibility for deliberate withholding of Charge-Sheet. **SP's report confirmed that Charge-Sheet was not received in the Court.**

4. Police Head Quarters has sent a report from SP, Sitamarhi (letter no. 7501/एक्स०सी०/XHRC-167/2016 dt. 19.10.2016) indicating that Duplicate Charge-Sheet with case diary has now been submitted to the Court on **23.09.2016**. SP, Sitamarhi has requested govt. for permission to initiate proceeding against the retired I.O S.I. B.C Nayak.

5. **Commission, therefore, directs as under:-**

(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.**

(b) **Home Deptt. /SP, Sitamarhi will inform the Commission within two months, about the disciplinary proceeding initiated against the retired Investigating Officer.**

6. Copy of the order be sent to the (i) **Principal Secretary, Home Deptt., Govt. of Bihar** (ii) **DGP, Bihar** (iii) **SP, Sitamarhi** for necessary action and to (iv) **Petitioner** for information

7. List on 05th Jan , 2017.

Sd/..

Date: 27.10.2016

(Neelmani)
Member

Asstt. Registrar