

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File Nos. BHRC/Comp. 3371/10

(Suo Motu Cognizance)

Case of Sajan Yadav-a 3 year old child against whom charge sheet was submitted (Case of compensation)

12.01.2016

Victim's father Tarkeshwar Yadav present. DSP, Bhojpur, Mr. Sanjay Kumar present.

This is a case in which admittedly a three year old child (named Sajan Yadav; village Pakri; P.S. Barhara (Krishnagarh) of district Bhojpur) was booked for assaulting a 12 year old girl (named Puja Kumari); even charge sheet was filed against him. The matter was reported in the press on 29.12.2010.

The DSP has submitted a report and it is admitted that the mistake was committed where a three year old child was booked for assaulting a 12 year old girl and even a charge sheet was filed against him. Later on, it appears that the parties entered into compromise before the court and the matter was disposed of on 6.12.2014. So for 4 years the charge sheet was pending but and the police did not even withdraw the charge sheet against the three year old child. According to the police officer present, one Suresh Mahto was the Investigating Officer. Departmental proceeding was taken against him. He was given a black mark and his increment was deferred by six months. The Commission feels this is not sufficient punishment and recommends that the appropriate authority may reopen

the matter. It is submitted that the investigation was supervised by an Inspector named J.P. Roy. DIG of the Range (Bhojpur) is directed to initiate departmental proceeding against the said inspector as well.

Since the charge sheet was filed against three year old and police did not take step to withdraw the charge sheet for four years, it is directed that compensation of Rs. 30,000 be paid to the child.

The compensation paid shall remain in fixed deposit in favour of the child till he attains majority. The Department is free to recover the amount of compensation paid from I.O. Sri Suresh Manjhi and Inspector Mr. J.P. Roy.

Copy of this order be sent to the victim's father, SP, Bhojpur and Principal Secretary, Home Department for information and necessary action.

Compliance report be sent within six weeks.

List on 21.03.2016.

(Justice Bilal Nazki)
Chairperson