



Serial No.16
Regular List

**HIGH COURT OF MEGHALAYA
AT SHILLONG**

Cont.Cas(C). No. 34 of 2015

Date of Order :16.07.2024

Smti. Wanlana Nongkhlaw,
W/o Shri. Kitlang Suting,
R/o Iawmusiang, Jowai,
District West Jaintia Hills, Meghalaya.

...Petitioner

-Versus-

1. Shri. T.J.Synrem,
of Jowai Police Station, Circle-Inspector
cum Officer in-charge of Jowai Police
Station, West Jaintia Hills District,
Jowai, Meghalaya.
2. Shri. D.Challam,
of Jowai Police Station
Sub-Inspector Jowai Police Station
West Jaintia Hills District, Jowai.
3. Superintendent of Police
West Jaintia Hills District, Jowai.
(Impleaded vide order dated 27-10-2020).

...Respondents

Coram:



Hon'ble Mr. Justice H.S.Thangkhiew, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. S.Dey, Adv.
Ms. N.Rajee, Adv.

For the Respondent(s) : Mr. S.Chakrawarty, Sr. Adv. with
Ms. E.Slong, Adv.

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| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: _ | Yes/No |
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JUDGMENT & ORDER (ORAL)

1. The petitioner has filed this contempt petition alleging the willful deliberate violation of the orders of the Supreme Court as given in the judgment in ***D.K.Basu vrs. State of West Bengal*** which has been reported in ***(1997) 1 SCC 416***.

2. The background facts surrounding the case are the petitioner's grievance with regard to the custodial death of her son Late Kleophasting Nongkhlaw, who was arrested by the Police of Jowai Police Station in connection with Jowai P.S.Case No. 152 (7) of 2015 under Section 454/380 IPC. As per the claim of the Police, the petitioner's late son had committed suicide by hanging himself inside one of the lock-ups which was disputed by the petitioner who had noticed that there were a number of



injury marks on the feet and hand of the deceased, which he maintained was a result of police brutality. The petitioner then approached this Court by way of WP(C). No. 224 of 2015 and from the affidavit-in-opposition filed by the respondents therein, it was seen that show cause notices dated 09-10-2015, had been issued to the concerned Police Personnel for negligence and dereliction of duties, whereon 3 charges were framed, of which by charge No. 3, it was given that the laid down procedure in the case of *D.K.Basu vs. State of West Bengal* was not followed. Further, from the records of WP(C). No. 224 of 2015, a report dated 09-10-2015, had been generated against the respondent No. 1 for committing procedural lapses as stipulated by Section 55A CrPC, and Circulars No. 8/2013, No. 13/2014 and No. 11/2015 dealing with ways to avoid and prevent custodial death and procedure for arrest issued by police headquarters, apart from other infractions of Rule 210 of the Assam Police and Manual, Section 41B CrPC and also the directives contained in the case of *D.K.Basu vs. State of West Bengal*. The said report then directed that necessary disciplinary action be taken.

3. Departmental proceedings, as seen from the voluminous records which need not be gone into herein in detail, had accordingly been drawn up and the same had been concluded and final order was passed on 01-03-2017, against the respondent No. 1. A perusal of the said order issued by



the Director General of Police shows that departmental proceedings conducted by the Assistant Inspector General of Police, based on materials and witnesses, did not find respondent No.1 or Subordinate Officers complicit in the death of Late Kleophast Nongkhlaw, but at the same time, it was also revealed that the respondent No. 1, who was the Circle Inspector cum OC Jowai Police Station and his Subordinates, did not show any particular effort on their part to check the lock-up or the inmates. The order also observed that respondent No. 1 had no role in the death, but that there may be procedural lapses on their part. The respondent No.1, under Article II of the charges was found guilty of not observing proper procedure. Thereafter, as per the findings, the Director General of Police under Rule 9 of the Meghalaya Services (Discipline and Appeal) Rules, 2011 read with Rule 71 of the Meghalaya Police Act, 2011, inflicted the punishment of withholding two increments with cumulative effect.

4. With regard to respondent No. 2, disciplinary proceedings against the said Officer conducted by the Superintendent of Police, Jowai resulted in the punishment of Censure being inflicted.

5. From the records, it is also seen that a status report had been filed before this Court on 20-07-2018, which communicated the above noted facts of the respondent No.1 being awarded major punishment and respondent No. 2 awarded punishment of Censure.



6. In view of the departmental proceedings that had been drawn up on the lapses committed by the respondents, and they having been awarded punishment in this regard, in the considered view of this Court, the contempt stands purged and as such the instant contempt application shall stand closed.

Judge