

THE HIGH COURT OF TRIPURA
AGARTALA

WP(C) 183 OF 2011

Shri Bidhan Debnath,
S/o. Late Subal Debnath,
Resident of Village Kaulikura,
P.O.-Sonamukhi,
Kailashahar,
District-North Tripura.

.... **Petitioner.**

- Vrs -

- 1. The State of Tripura,**
Represented by the Secretary to the
Government of Tripura, Home Department,
New Civil Secretariat Complex, P.O. Kunjaban,
P.S. East Agartala, District-West Tripura.
- 2. The Deputy Inspector General of Police,**
Govt. of Tripura,
P.O. Agartala, Agartala,
Tripura.
- 3. The Commandant, 10th Bn.TSR (IR-V),**
Tripura State Rifle, NIT Complex,
P.S. Jirania, District West Tripura,
P.O. Jirania, Agartala.
- 4. The Asstt. Commandant,**
10th Bn. TSR (IR-V),
Tripura State Rifle, NIT Complex,
P.S. Jirania, District-West Tripura,
P.O. Jirania, Agartala.

... **Respondents.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE S.C. DAS

For the Petitioner : Mr. B.N.Majumder, Advocate.

For the respondents : Ms. A. S. Lodh, Addl. G.A.

Date of hearing & : **15.07.2015.**
Delivery of judgment
and order.

Whether fit for reporting : NO

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, C.J.)

By means of this writ petition the petitioner has challenged the disciplinary order whereby he has been dismissed from service and also the appellate order rejecting the appeal.

2. The petitioner was serving as Rifleman in Tripura State Rifles, 10th Bn. Disciplinary proceedings were initiated against him on the ground that he had absented himself from duty and left his post without valid permission of the superior officers. It was further alleged that thereafter he consumed alcohol and entered the house of a tribal girl and misbehaved with the said tribal girl. These charges were held proved against the petitioner and he was dismissed from service. The petitioner earlier filed WP(C) No. 28 of 11 before this Court which was disposed of with liberty given to the petitioner to file appeal. He filed the appeal which has also been dismissed and hence, this petition.

3. The main ground raised by Mr. B. N. Majumder that the petitioner had not been permitted to properly defend his case and that the statements of the witnesses had been recorded *ex parte* against him. He further submits that the stand now taken by the State that the petitioner had pleaded guilty is incorrect because it is not reflected in the disciplinary order or in the appeal.

4. On the other hand, Ms. A. S. Lodh had submitted that the petitioner had admitted his guilt and this is a serious charge and no lesser punishment could be imposed.

5. To satisfy ourselves we had called for the inquiry record and we find that there are two very very important documents on record. One is a letter written by the delinquent official on 22.01.2008 where he admits going to the local village and taking liquor and he also admits that when he returned to the camp he had misbehaved with the Post Comdr. He begged mercy. The said letter reads as follows:-

*"To
The Post Comdr.
Madhap Para Post,
10th Bn TSR(IR-V)*

Dt.-22/01/2008

Subject:- Prayer for mercy.

Sir,

I beg to state that I No.03100134 Rfn(GD) Bidhan Debnath of 'F'-Coy 10th Bn TSR(IR-V), during OPS duty I went to local village and took liquor. After that I return to camp and abused camp inmate and also misbehaved to post Comdr. That's way I pray for mercy to post Comdr.

Therefore, I beg mercy to Post Comdr.

Yours faithfully,

*Sd/-No.03100134
Rfn(GD) Bidhan debnath
Of 10th Bn TSR(IR-V)."*

6. Thereafter on 17.08.2009 the statement of the delinquent official was recorded by the inquiry officer. The translation of the said statement is being reproduced here-in-below:-

“Statement recorded from suspension Rfn(GD) Bidhan Debnath of ‘F’-Coy 10th Bn TSR(IR-V)

I Rfn(GD) Bidhan Debnath S/O Lt. Subal Debnath of Kawalipara PS-Kailashahar. I was posted in Madhavpara camp on 30-03-2008. That day approx 1.30 AM I went to dwelling house of Miss. Chandra Lekha Debbarma after taking liquor from the camp. In that house 3/4 persons were taking liquor and offered me also. I have taken one glass country made liquor on their request. In another dwelling room of that house I have seen Chandra Lekha and applied colour on her cheek and touched her breast. She dissented and went out of that hut. I again went behind that hut and caught her and embraced her from behind. That day there was victory lap in local school and local MLA was present. Having seen myself there participant of that rally attacked me and assaulted to me. After that my camp In-charge Nb/Sub Kanwa Debbarma rescued me from local villagers took my self to the camp. Nb/Sub Kanwa Debbarma has taken me to Mandai PS and after that I have been taken to Bn. HQr. Before sending my self to Bn.HQr. I have been sent to Mandai Hospital for Medical Checkup.

The above statement is true and I signed with my best of knowledge.

*Sd/Bidhan Debnath
17-08-2009.*

Statement recorded by P.P. Deb, A/C, EO

Sd/ 17-08-2008

The statement recorded by me read over to him in Bengali version and admitted by him as correct.

Sd/ 17-09-2008”

7. A perusal of the statement shows that in addition what he admitted in his previous letter, the petitioner admitted that he entered the dwelling house of Miss Chandralekha Debbarma after taking liquor from the camp. He admits that in that house there were 3/4 persons who were consuming liquor and when they offered him liquor, he also consumed one more glass of country made liquor. Thereafter most importantly he admits that he had applied colour to the cheeks of Chandralekha and touched her breasts. When she objected, he

went out of the hut. However, soon thereafter he returned and embraced her from behind. This is a clear cut admission of misconduct of the highest order. We cannot expect a policeman to be retained in service when he is guilty of molesting a woman.

8. We, therefore, find no merit in the petition which is accordingly dismissed. No costs.

JUDGE

CHIEF JUSTICE