

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.4373 of 2022

Sudarshan Panda

....

Petitioner(s)

Mr. P.K. Mishra,
Advocate

-versus-

***Registrar, Orissa Human Rights
Commission, BBSR & Anr.***

....

Opposite Party(s)

Mr. A. Dash,
Advocate for O.P.2

CORAM:
JUSTICE BISWANATH RATH

ORDER
28.02.2022

Order No.

1. 1. Learned counsel for Petitioner submits that in spite of bringing a case of innocence and action on unintentional and bona fide, the Human Rights Commission failed in appreciating the same in the enquiry held at the instance of the Human Rights Commission on the complain of the Complainant involved therein and O.P.2 herein.
2. 2. Considering the grounds raised, the submissions made and going through the final order of punishment passed by the Human Rights Commission in OHRC Case No.559 of 2020, this Court finds, in the process of enquiry and from the Records, the Commission clearly noticed that there is tampering in the notice of appearance of accused in the Police Station. The Commission also noticed that there is no discharge of honest duty by the in-charge of a Police Station. The Petitioner was provided with opportunity of

compliance report. Petitioner being noticed has also filed his written statement, which was not satisfactory. The Human Rights Commission not only acted clearly in terms of the provision of the Act involved but even has entered into enquiry through competent authority. Not only that in the enquiry, there is also involvement of the Petitioner herein. Further after receipt of the enquiry entangling the Petitioner in the allegation raised through the complaint, before passing recommendations and fine, there has been also opportunity of contest to the Petitioner. From the discussions in the impugned order, this Court finds, there has been consideration of the plea of innocence raised by the Petitioner and it is ultimately on the basis of a strong report and the Petitioner unable to establish his case beyond bona fide and unintentional, the Human Rights Commission even though finds, there is serious negligence and action contrary to the established principle in the case of arrest involving offence under Section 498(A) of I.P.C instead of recommending initiation of Departmental Proceeding taking a lenient decision has come to close the proceeding on imposition of penalty of a sum of Rs.2.00 lakh to be paid to the victim and at the same time, the Human Rights Commission has also directed the Authority to take steps to send both the Officers for appropriate training about investigation and causing arrest.

3. It is, in the circumstance, this Court finds, there is appropriate consideration by the Commission and such order surfaced after providing opportunity to the Petitioner at each stage of the matter leaving no scope for this Court to interfere in such order. This Court, therefore, declines to interfere with the impugned order.

4. The writ petition thus stands dismissed but after hearing at the admission stage itself.

(Biswanath Rath)
Judge

Ayaskanta Jena

