

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.5974 of 2015

U.O.I Through Mr. A. K. Prit, S/o Late A. N. Krishnan,
Assistant Security Commissioner (Prosecution), East
Central Railway, Hajipur. **Petitioner**

Versus

1. National Human Rights Commission, Manav
adhikar Bhawan, block c-complex, P.O., P.S &
District New Delhi.
2. Sangeeta Devi W/o Late Sanjay Kumar, Kund
Mohalla, P.O. Kund Mohalla & P.S. Daltonganj
(Medini Nagar) Town, Distt, Palamau - 822101
3. I.G., CID (Crm branch) Police, PO + PS Dhurwa,
Dist. Ranchi.
4. S. P. Railway Dhanbad PO + PS Dhanbad, Dist
Dhanbad.
5. State of Jharkhand. **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner	: Mr. Anil Kumar, A.S.G.I Ms. Chandana Kumari, A.C to A.S.G.I Mr. Kumar Swapnil, A.C to A.S.G.I
For the Resp. No.1	: Mr. Akash Deep, Advocate
For the Resp. No.2	: Mrs. Saumya Pandey, Advocate
For the State	: Mrs. Sweta Shukla, Advocate

12/Dated: 10th September, 2024

1. Heard learned counsel for the parties.
2. The present writ petition has been filed against the order dated 18.05.2015 (Annexure - I) passed by the National Human Rights Commission, whereby Rs.5,00,000/- (Five Lakhs) compensation has been awarded in favour of the respondent No.2.
3. It appears that a complaint has been made before the National Human Rights Commission and the National Human Rights Commission has passed the impugned order dated 18.05.2015. The relevant portion of the impugned order dated 18.05.2015 reads as under :-

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The contention urged by Railway Board in its communication dated 15.10.2014 is totally untenable. As stated above, FIR No.21/2008 PS Barkakana Rail relating to the incident was investigated by CB CID in pursuance of the directions of the Commission and IG CB CID, Jharkhand informed the Commission vide letter dated 29.2.2012 that Head Constable Timbu Oraon, Head Constable M. Z. Hussain, Constable

Mrityunjaya Kumar and Constable Ram Daval Rai were found guilty u/s 354/306/34 IPC and warrants of arrest had been issued against them. Not only this, SP Rail, Dhanbad also confirmed vide letter dated 22.9.2012 that the said four personnel of RPF had been found guilty u/s 354/306/34 IPC. Since the four officials of RPF were found guilty in inquiry by the CB CID and also by SP GRP. Dhanbad, how can the Railway Board now say that they were innocent? The statement of DIG, Railway Safety in the communication dated 15.10.2014 is also factually incorrect because external injury in the form of swelling and bruises on the head were mentioned in the post-mortem report in these circumstances, the Commission is prima-facie convinced that the RPF personnel had molested Sangeeta Devi and when her husband Sanjay Kumar protested, he was assaulted by them and later on succumbed to the injuries inflicted by them. The Railways must compensate Sangeeta Devi for the death of her husband and violation of her dignity. The Commission, therefore, recommends to the Railway Board to pay a sum of Rs. Five lakhs as monetary relief to Sangeeta Davi.

Chairman, Railway Board shall submit compliance report with proof of payment within eight weeks.

It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 09/07/2015, so that the same could be placed before the Commission."

(emphasis supplied)

4. Thus, the National Human Rights Commission has applied its mind and it has found that there is external injuries and there is allegation of assault also.

Considering the above factum, meager amount of Rs.5,00,000/- as compensation has been awarded, which has not yet been released in favour of the respondent No.2.

5. Learned senior counsel for the petitioner has submitted that there are two conflicting reports. One report is in favour of the authority.

6. Be that as it may. In one of the reports, it has been found that there is external injuries. The National Human Rights Commission has applied its mind after perusing both the reports.

7. This Court finds no reason to interfere with the order dated 18.05.2015, passed by the National Human Rights Commission. Accordingly, the present writ petition is, hereby, dismissed.

8. Pending interlocutory application, if any, stands disposed of.

(Rajesh Kumar, J.)

Chandan/-