IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 841 of 2025

Union of India through Mr. A.K. Prit, son of A.N. Krishnan, Assistant Security Commissioner (Prosecution), East Central Railway, Hajipur, P.O. ; P.S. Hajipur, Dist. Vaishali, Bihar.

... Appellant

Versus

1. National Human Rights Commission, Manav Adhikhar Bhawan, Block C-Complex, P.O and P.S and District-New Delhi.
2. Sangeeta Devi, wife of late Sanjay Kumar, Kund Mohalla, P.O Kund Mohalla, P.S. Daltonganj (Medini Nagar) Town, District-Palamau 822 101.
3. I.G. CID (Crime Branch), Police, P.O and P.S. Dhurwa, District-Ranchi (Jharkhand).
4. S.P. Railway, Dhanbad, P.O. and P.S. and District-Dhanbad (Jharkhand).
5. The State of Jharkhand.

... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Appellant: Mr Kumar Vaibhav, Advocate
For Resp. No. 2: Mr Ishan Ashish, Advocate
For the State: Ms. Neeharika Mazumdar, A.C. to A.G.

03/Dated: 29.09.2026

1. Heard learned counsel for the parties.

2. Notice to the 1st respondent, i.e. the National Human Rights Commission, is not necessary. Mr Vaibhav states that the other respondents have already been served.

3. I.A. No. 9156 of 2025 seeks condonation of delay of 64 days in instituting the accompanying appeal.

4. Considering the averments in the I.A., we are satisfied that sufficient cause is shown.

5. Accordingly, we condone the delay and dispose of I.A. No. 9156 of 2025.

6. At the request of and with the consent of the learned counsel for the parties, the appeal is taken up for consideration.

7. This appeal is directed against the learned Single Judge's order dated 10th September, 2024 in W.P.(C) No. 5974 of 2015 passed by the National Human Rights Commission awarding compensation of Rs. 5,00,000/- to the 2nd respondent herein.

8. Mr Vaibhav, learned counsel for the appellant, submitted that this Court has since quashed the F.I.R. relied upon by the NHRC. He submitted that even the postmortem report showed that the 2nd respondent's husband died due to consumption of celphos. He submitted that there is no evidence of any assault by the RPF personnel. He submitted that the 2nd respondent's husband neither died in the train nor on the railway platform. He submitted that an Enquiry Commission constituted by the Railways ruled out any assault by the RPF Constables.

9. Accordingly, he submitted that there was no evidence whatsoever to connect the RPF personnel with the death of the 2nd respondent's husband.

10. Mr Vaibhav submitted that in the above-referred circumstances, the NHRC exceeded its jurisdiction in awarding compensation of Rs. 5,00,000/- to the 2nd respondent for the death of her husband.

11. Mr Ishan Ashish, learned counsel for the 2nd respondent, submitted that now there are concurrent findings of fact that there was a violation of human rights which ultimately resulted in the death of the 2nd respondent's husband. He submitted that the material on record also suggested that RPF personnel had

molested the 2nd respondent and, upon her husband protesting, he was assaulted by the RPF personnel and later, he succumbed to the injuries inflicted by them.

12. Mr Ishan Ashish submitted that, before the NHRC, the test to be applied for proving such allegations is the preponderance of probabilities. He also pointed out that the F.I.R. was quashed for want of sanction and not because the ingredients of the offence were not made out. Considering these aspects, Mr Ashish submitted that no case is made out to interfere with this appeal.

13. The rival contentions now fall for our determination.

14. This is a matter in which the National Human Rights Commission (NHRC) took cognisance of a complaint regarding an attempt to molest the 2nd respondent and an assault on her husband, who objected to the conduct of the RPF personnel. Ultimately, the 2nd respondent's husband died at the civil hospital.

15. The NHRC, vide its impugned order dated 18th May, 2015, found that the RPF personnel had indeed tried to molest the 2nd respondent and when her husband, Sanjay Kumar, protested, he was assaulted by the RPF personnel and later succumbed to the injuries inflicted by them. Accordingly, the NHRC awarded compensation of Rs. 5,00,000/- to the 2nd respondent for the death of her husband and violation of her dignity.

16. The standard of proof to be applied in enquiries before the NHRC is preponderance of probabilities, not proof beyond reasonable doubt. To warrant judicial review, the appellant

cannot expect a writ court or the appellate court deciding an appeal against the order of the writ court to re-evaluate or re-appreciate the material on record as if this was some ordinary appeal. The appellant must make out a case of perversity, i.e., no evidence, exclusion of relevant material, consideration of irrelevant material, or adoption of an untenable view, as opposed to merely insufficient evidence.

17. In this case, we are satisfied that the appellant has not made out any case for exercise of judicial review. We cannot hold that the finding reached by the NHRC is based on no evidence or is otherwise perverse because it excluded relevant evidence or considered irrelevant evidence. The NHRC's view also cannot be styled as one which was not even plausible or tenable based upon material on record.

18. The record shows that the 2nd respondent and her husband were travelling by rail. Four RPF Constables/Head Constables were also travelling in their compartment; it is reasonable to accept the finding that there was an altercation, perhaps involving an attempt to molest the 2nd respondent followed by assault on her husband. The husband was moved to the hospital, where he died.

19. The post-mortem report refers to injuries to the head, including swelling and bruises. However, the report also states that the viscera tested positive for celphos, and the opinion on the cause of death was the consumption of celphos. The deceased's brother lodged an F.I.R. against the R.P.F. personnel, alleging offences under Sections 354 and 306 read

with Section 34 of the IPC. The F.I.R. was registered, and an independent investigating agency carried out the investigation and ultimately filed the chargesheet. The fact that the F.I.R. and, consequently, the chargesheet were quashed for want of sanction is not particularly relevant to the proceedings before the NHRC.

20. Though the internal commission of enquiry constituted by the Railways may have exonerated the RPF personnel, enquiries by CB CID in pursuance of the NHRC orders have found merit in the allegations of the 2nd respondent about the involvement of the RPF personnel in attempting to molest her and assault her husband, who tried to intervene. Even the postmortem report refers to injuries over the head in the form of swelling and bruises. The F.I.R. was registered, and an independent investigating agency carried out the investigation and ultimately filed the chargesheet. This material was sufficient to sustain the NHRC order.

21. Mr Vaibhav's arguments that RPF personnel never carry rifles or that there is no evidence of any attempt to molest or assault cannot be appreciated, given the nature of proceedings before the NHRC and the test of preponderance of probabilities applicable in such matters. This is certainly not a case of no evidence or perversity warranting interference in the exercise of judicial review. The material on record, in the form of the post-mortem report, the CB CID report, and the fact that independent investigating agencies deemed it appropriate to file a chargesheet against the Railway RPF personnel, alleging

offences under Sections 354, 306 read with Section 34 of the IPC, constitutes sufficient material to sustain the findings of violation of the complainant's human rights and dignity.

22. Accordingly, we see no good ground to interfere with the learned Single Judge's order upholding the NHRC's order dated 18.05.2015. Therefore, we dismiss this appeal without any order for costs.

23. There is no record of the appellant's securing any interim relief against the NHRC's impugned order dated 18.05.2015. Still, the amount of Rs. 5,00,000/-, which is quite meagre, has not been paid to the 2nd respondent to date.

24. Accordingly, we direct the appellant to pay the said amount to the 2nd respondent within four weeks from today. If the amount is not paid within four weeks from today, the appellant must pay interest at the rate of 7% per annum commencing from 09.07.2015 till date.

25. If the occasion arises for payment of interest, the appellant is at liberty to order enquiries as to which officer was responsible for the delay and then, taking steps to recover the interest component from such officer, no doubt, after complying with principles of natural justice and fair play.

26. A competent officer must file a compliance report in this Court by 5th November, 2026, furnishing an advance copy to the learned counsel for the 2nd respondent. This is because it would not be quite fair to force the complainant widow to initiate contempt proceedings for non-compliance or delayed compliance.

27. Though the appeal is dismissed, place the matter high on the board on 19th November 2026 for considering compliance.

28. Other pending Interlocutory Applications, if any, do not survive and are disposed of.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

September 29, 2026

N.A.F.R.

APK/VK

Uploaded on 01.10.2026