

ODISHA HUMAN RIGHTS COMMISSION
TOSHALI BHWAN (2ND FLOOR),
SATYA NAGAR, BHUBANESWAR-751007

OHRC Case No. 1002 of 2014

ORDER

11th Sep 2014

This case along with OHRC case No.1336/2014 are being disposed of by this common order as both of them relate to the same facts and allegations.

We have perused the letter of the SP, Puri dated 28-8-2014 as well as the enquiry report of the IIC, Kumbharpada PS. We have also perused the petition of Sasmita Ojha, wherein she has alleged inaction of Police in making investigation and arresting the accused persons involved in Kumbharpada PS case No.67/2014 in connection with the incident dated 2-3-2014, when her husband, who is a doctor of District Headquarters Hospital, Puri, was assaulted and threatened with a pistol by one Rudra Pratap Singh.

The report of the SP, Puri reveals that Dr. Subhakanta Ojha, who is the husband of the petitioner, was on duty in District Headquarters Hospital, Puri on 2-3-2014 when two youths, who happen to be relations of Rudra Singh had been to the hospital for treatment due to a vehicular accident and at that time there was exchange of hot words. The report further discloses that Rudra Singh with his supporters arrived there and assaulted Dr. Ojha. In this connection, Kumbharpada PS case No.67/2014 under Sections 294, 323, 332, 506(i) of the IPC read with Section 34 of the IPC was registered on the report of MO, District Headquarters Hospital, Puri. It is reported that accused Rudra Singh was arrested and released as per the orders of the Hon'ble High Court of Orissa. It is also reported that a counter case vide Kumbharpada PS case No.68/2014 under Sections 294, 323 read with Section 506 of the IPC has been

registered against Dr. Subhakanta Ojha on the report of Rudra Singh. Both the cases are under investigation.

Thus, when the investigation of the cases are in progress and when accused Rudra Singh has already been arrested, the Commission cannot interfere with the course of the investigation, which is beyond the jurisdiction of the Commission. Accordingly, both the cases are disposed of.

Before parting with the records, we are constrained to make certain observations with regard to submission of report by different functionaries of the State when called for by the Commission. Time has come to remind the different functionaries that the Commission has been given autonomous status to discharge its statutory duties in promoting and protecting the human rights. In other words, it acts as vanguard of protection of the liberties of the citizens of this State.

We fail to understand as to how the SP, Puri could send a copy of his report to the Commission when the original was addressed to an Under Secretary. This unhealthy practice should be discontinued forthwith. If the Superintendent of Police of a district entrusts the enquiry of a matter to a subordinate Police officer, but he is to report back to the Commission with his own comments instead working simply as a Post Office.

With the aforesaid observations, the present proceeding stands disposed of.

SHRI B.K.PATNAIK
MEMBER

JUSTICE B.K.MISHRA
ACTING CHAIRPERSON