

THE POLICE ACCOUNTABILITY COMMISSION
TRIPURA :: AGARTALA

Complaint No. 25 of 2022

Sri Bhajan Ch. Debnath
S/o Lt. Benimadhab Debnath
Dhaleswar, Road No.11
(Near Bunch)
Dist. West Tripura

... complainant

-Vs.-

Officer-in-Charge
East Agartala P.S.
Dist. West Tripura

..... respondent

ORDER
30.07.2022

A complaint dt. 05.07.2022 was made by Sri Bhajan Ch. Debnath S/o Lt. Benimadhab Debnath, Dhaleswar, Road No.11 (near bundh), Dist. West Tripura which was addressed to SDPO, Agartala, S.P., West, Director General of Police, Home Secretary and Chairperson, Police Accountability Commission. In this complaint, he had raised certain issues primarily relating to investigation of the case after registration of FIR.

2. The complainant had also added Chairperson of PAC in the list of addressee without making any mention as to what kind of relief he was seeking from the Commission. There was no clarity in his petition in respect of intervention which the Commission could make in view of Section-66 of Tripura Police Act, 2007 which states the following: -

"66. Function of the Commission:

(1) *The Commission shall forward for further action the complaints of misconduct received directly by it to the Director General of Police.*

(2) *The Commission shall inquire into allegations of "serious misconduct" against police personnel, as detailed below, either suo moto or on a complaint received from any of the following:*

- (a) a victim or any person on his behalf ;*
- (b) the National or the State Human Rights Commission;*
- (c) the police ; or*
- (d) any other source.*

Explanation: "Serious misconduct" for the purpose of this chapter shall mean any act or omission of a police officer that leads to or amounts to:

- (a) death in police custody;*
- (b) grievous hurt, as defined in Section 320 of Indian Penal Code , 1860*
- (c) rape or attempt to commit rape ;*
- (d) arrest or detention without due process of law ; or*
- (e) violation of human rights ;*
- (f) allegation of corruption.*


....."

3. It appeared from the complaint of Sri Bhajan Ch. Debnath that he had some issues regarding investigation. After taking into consideration the contents of the complaint and also legal and other provisions as mentioned above, the Commission provided an opportunity to the complainant to clearly specify as to in what manner his case attracted action of the Commission in view of u/s 66 of Tripura Police Act.


4. The Commission received a response dt. 30.07.2022 from the complainant, in which he has again mentioned certain aspects regarding collection of evidence by the police in connection with investigation, etc. As it appears, the police has already registered FIR and investigation is in progress. It is a different matter that the complainant may not be satisfied with certain aspects of investigation and for that, he has to approach appropriate forum. The Commission has no role and jurisdiction regarding monitoring or supervision or recommending any action as far as investigation part is concerned, as that is dealt specifically under Chapter-XII of Cr. P.C. The complainant's reply has failed to establish the need for Commission's intervention, as there is no ingredient of serious misconduct on the nature of conduct as specifically listed in Section-66 of Tripura Police Act, 2007.

5. For the reasons and discussion as made above, the case is disposed of.

6. Send a copy to the Secretary, Home Deptt., D.G.P. and the complainant.


(Y. Kumar)
Member, PAC


(G. K. Rao)
Member, PAC


(Justice S. C. Das)
Chairperson, PAC