



राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A Constitutional body under Article 338A of the Constitution of India)

File No. NCST/ATY-875/MP/11/2023-APCR

Dated: 01.05.2023

To,

1. **Ms. Tanvi Hooda**
Collector & District Magistrate
District - Jhabua
Jhabua - 457661
(Madhya Pradesh)
E-mail: dmjhabua@nic.in
2. **Shri Agam Jain**
Superintendent of Police,
District - Jhabua
Jhabua - 457661
(Madhya Pradesh)
E-mail: jhabua.sp@gmail.com

Subject: Representation from Mr. Mukesh in where the police forcefully took him to the police station for questioning on the charges of theft but implicated the petitioner in a false case of drinking and selling liquor.

Sir/Madam

I am directed to enclose herewith a copy of the Minutes of the Sitting held on 10.04.2023 under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject for necessary action. It is requested that compliance report may be submitted to this Commission as stipulated in minutes of the sitting, for placing the same before the Hon'ble Commission.

Encl: as above

Yours faithfully,


(आर.एस.मिश्र / R.S. Misra)

अनुसंधान अधिकारी / Research Officer (SSW)
Telephone No. : 24645826

Copy to:

Shri Mukesh
S/o Punia Helot,
Village - Sajeli Malji Sath
Tehsil - Meghnagar,
District - Jhabua,
Madhya Pradesh - 457777

Copy for information

1. PS to Hon'ble Member, NCST.
2. NIC, NCST for uploading on the website of the Commission.

National Commission for Scheduled Tribes

NCST / ATY-875 / MP / 11 / 2023-APCR

Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST on the representation of from Mr. Mukesh in where the police forcefully took him to the police station for questioning on the charges of theft but implicated the petitioner in a false case of drinking and selling liquor.

Date of the Sitting: 10.04.2023 at 04:00 PM

List of Participants: As per Annexure

The Commission received a representation from Mr. Mukesh in which the Petitioner stated on 01.12.222 around 03:30 pm, when he was returning from the Hospital with his aunt, he was stopped by police from Thandla Police Station and told he was charged with theft and he will have to go with them to the Police Station for enquiry. But, as soon as he reached the Police Station, the police falsely charged him with liquor cases, took him into custody and wrongfully detained him for 4 days. He was produced before the Court only on 04.12.2022. The police took Rs. 3930 from the Petitioner at the time of arrest and returned only Rs. 1,930.

Considering the gravity of the issue the Commission issued Notice to the District Collector, Jhabua, Madhya Pradesh, and Superintendent of Police, Jhabua, Madhya Pradesh on 13.01.2023. On 16.01.2023 the Superintendent of Police, Jhabua, Madhya Pradesh replied by stating that the Petitioner was arrested by the police on 03.12.2022 after he was caught red handed for carrying liquor around 35 liters.

The Commission found the reply highly unsatisfactory, therefore issued summons to the Collector and District Magistrate, Jhabua District, Madhya Pradesh and the Superintendent of Police, Jhabua District, Madhya Pradesh to appear before the Commission on 10.04.2023 at 04:00 pm.

During the course of hearing on 10.04.2023 the Commission asked the Superintendent of Police, Jhabua District, Madhya Pradesh on the arrest and investigation of the Petitioner and on the contradictions in the investigation and the complaint

The Petitioner submitted that he was a daily wager and he was the sole bread owner of the house and his family heavily depended on him. He further submitted that he had never consumed, sold or had possession of liquor in his life and that he was a "Bhagat" who preached against liquor and alcohol. On 01.12.2022, he was returning with his aunt from the hospital when the police of Thandla Police Station stopped him and asked him to go with them to the Police Station for enquiry as he was charged with theft. But, as soon as the Petitioner reached the Police Station, the police filed false cases of sale, possession and consumption of liquor against the Petitioner and immediately took him into custody, seized his bike and took Rs. 3,930 cash that the Petitioner had at the

अनंत नायक/ANANTA NAYAK
सदस्य/Member

राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India

time. Thereafter, he was produced before the Court only on 04.12.2022 after he was wrongfully detained for 4 days. On 03.12.2022, when he was produced before the Court, the Thandla Police officers wrongly informed the Court that they took him into custody only on 03.12.2022. The Petitioner spent Rs. 30,000 for his bail and after his bail, the police returned only Rs. 1,930 out of the total amount of Rs. 3,930 that they had taken from him when he was taken into custody.

The Superintendent of Police, Jhabua District, Madhya Pradesh stated that the submission of the Petitioner was wrong. Police had not arrested the Petitioner on 01.12.2022, but had arrested him 03.12.2022 based on the information that they had received about a man carrying liquor on a motorcycle near the petrol pump. Once they reached the spot, they caught Shri. Mukesh red handed, carrying liquor on plastic bags tied to each side of his motorcycle. After opening the plastic bags, the police found 35 liters of liquor in both the bags. The police immediately arrested the Petitioner and brought him to the Police Station. Thereafter, they produced him before the Court as per due procedure of law. The complaint of the Petitioner that the Police had filed false charges against him and that he was unlawfully detained for 4 days is false.

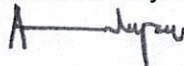
The Commission observed that the facts and circumstances of the report of investigation of the Police and that stated by the Petitioner did not corroborate. The Commission further observed that the investigation of the Police seemed to be biased against the Petitioner.

After hearing the petitioner and officials, the Commission is of the view that the case needs to be investigated independently and impartially. A Team from the Commission shall make a discreet enquiry and submit the Report for further consideration of the Commission.

After hearing both the sides, the Commission recommends the followings: -

- (i) The Superintendent of Police, Jhabua District, Madhya Pradesh shall furnish the full details of the FIR, Charge sheet, Panchanama and the Investigation Report along with all the relevant documents within 15 days
- (ii) The Superintendent of Police shall re-investigate the case based on the observations made by the Commission and submit the Action Taken Report with all the relevant documents within 15 days.

The Authorities have to submit Action Taken Report with compliance of the Recommendations within a period of 15 days.



अनंत नायक/ANANTA NAYAK

सदस्य/Member

राष्ट्रीय अनुसूचित जनजाति आयोग

NATIONAL COMMISSION FOR SCHEDULED TRIBES

भारत सरकार/Govt. of India

नई दिल्ली/New Delhi

Attendance Sheet
National Commission for Scheduled Tribes

NCST/ATY-875/MP/11/2023-APCR

Sitting to be held on 10.04.2023 at 04.00 P.M in the case of Shri Mukesh s/o Punia Helot, Village - Sajeli Malji Saath, Tehsil - Meghnagar, District - Jhabua, Madhya Pradesh regarding creating a false case by holding the petitioner for questioning by the police

Sl. No.	Name and Designation	Address & Phone No.	Signature
I	<u>National Commission for Scheduled Tribes</u>		
1.	Shri Ananta Nayak Hon'ble Member	In Chair	
2.			
3.			
4.			
5.			
5.			
6.			
7.			
II	Officers from Distt. Jhabua – Madhya Pradesh		
1.	SP, Jhabua present		
2.			
3.			
4.			
5.			
III	Petitioners		
1.	Petitioner present		
2.			
3.			