

National Human Rights Commission

Diary

No : 127780/CR/2024 is attached with Case / File No : 1803/34/20/2022

Main Case / File No : 1803/34/20/2022

Linked Diary No : 127780/CR/2024

Diary No	18552/IN/2022	Case / File No	1803/34/20/2022
Victim Name	LATE MOHAN MANDI	Registration Date	07/11/2022
Action List (Click on Action given in blue color to view details)			
Action No.	Action	Authority	Action Date
6	Show Cause Notice Issued	<p>To:- THE CHIEF SECRETARY 1st Floor, Project Building, Dhurwa, RANCHI JHARKHAND 834004 Email- cs-jharkhand@nic.in</p> <p>THE DIRECTOR GENERAL OF POLICE Jharkhand Police Headquarters, Dhurva, Ranchi RANCHI JHARKHAND 834004 Email- dgpjharkhand@gmail.com</p>	31/07/2025
5	Sent to DG(I), NHRC	<p>To:- DG(I), NHRC National Human Rights Commission, New Delhi DELHI DELHI Email- dg-nhrc@nic.in</p>	29/01/2024
4	DO letter from registrar		17/08/2023
3	Additional Information Called for	<p>To:- THE DISTRICT MAGISTRATE SERAIKELA-KHARSAWAN JHARKHAND Email- dc-sar@nic.in</p> <p>THE SUPERINTENDENT OF POLICE SERAIKELA-KHARSAWAN JHARKHAND Email- sp-seraikela@jhpolicе.gov.in</p>	22/06/2023
2	Additional Information Called for	<p>To:- THE DISTRICT MAGISTRATE SERAIKELA-KHARSAWAN JHARKHAND Email- dc-sar@nic.in</p> <p>THE SUPERINTENDENT OF POLICE DISTRICT POLICE HEADQUARTERS, GAURANG DIH, JHARKHAND SERAIKELA-KHARSAWAN JHARKHAND</p>	01/05/2023

		833220 Email- sp-seraikela@jhpolicе.gov.in	
1	Action Taken Report Called for	<p>To:- THE DISTRICT MAGISTRATE SERAIKELA-KHARSAWAN JHARKHAND Email- dc-sar@nic.in</p> <p>THE SUPERINTENDENT OF POLICE SERAIKELA-KHARSAWAN JHARKHAND Email- sp-seraikela@jhpolicе.gov.in</p> <p>Cc:- THE SECRETARY - State Humna Rights Commission TOWN ADMINISTRATIVE BUILDING, NEAR GOLCHAKAR, DHURWA, RANCHI JHARKHAND 834004 Email- humanrights1ranchi@gmail.com</p> <p>THE CHIEF SECRETARY 1ST FLOOR, PROJECT BUILDING,DHURWA, RANCHI- 834004 JHARKHAND Email- cs-jharkhand@nic.in</p> <p>THE DIRECTOR GENERAL OF POLICE POLICE HEADQUARTERS, DPRD BUILDING, HEC DHURWA, RANCHI, JHARKHAND-834004 JHARKHAND Email- dgpjharkhand@gmail.com,dgp@jhpolicе.gov.in</p>	24/01/2023
Expand All Action List			

Action

Action : Show Cause Notice Issued (Action No 6)	
Action Date	31/07/2025

<p>Authority</p>	<p>To:- THE CHIEF SECRETARY 1st Floor, Project Building, Dhurwa, RANCHI JHARKHAND 834004 Email- cs-jharkhand@nic.in</p> <p>THE DIRECTOR GENERAL OF POLICE Jharkhand Police Headquarters, Dhurva, Ranchi RANCHI JHARKHAND 834004 Email- dgpharkhand@gmail.com</p>
<p>Proceeding</p>	<p>This proceeding shall be read in continuation of earlier proceedings of the Commission.</p> <p>The commission has received a complaint and news cutting published in a daily Prabhat Khabar on 05.11.2022 from Shabab Naiyyer, alleging that one Mohan Mardi (Murmu), aged 17 years, R/o Vill: Junbari, PS: Dhalbhumgarh, Distt- East Singhbhum, Jharkhand was kept in illegal custody at PS: Saraikela, Distt- Saraikela Kharsawa, Jharkhand and was subjected to police atrocities and torture resulting in his death on 01.01.2022.</p> <p>Vide proceeding dated 29.01.2024, the matter has been sent to the Investigation Division for analysis of the reports/records received from the authorities concerned and the Investigation Division after analysis has found as under:-</p> <p><i>“... 9. Analysis: - On analyzing the available documents on file, it could be ascertained that the deceased aged 17 years was kept in the illegal custody of PS: Seraikhela for a period of about 04 days and tortured to death by SI Manohar Kumar along with ASI Kamal Murmu, and ASI Md. Khurshid Ali who were on duty at the police station during the time of the incident. The inquest report and PMR shows antemortem ligature mark on the neck, contused small intestine, a contusion over left mid frontal area of scalp and a contusion over left temporal area of the deceased. The magisterial enquiry was conducted by judicial magistrate. The magisterial enquiry found that the deceased was kept under illegal custody of PS Seraikhela and tortured to death by the named police officials of the police station. The magisterial enquiry also found act of omission on the part of the then Superintendent of Police, Saraikela Kharsawa and the SDPO cum ASP of Saraikhela (City) in the instant case. The available documents on record have established gross human rights violation of the deceased due to the act of omission and commission on the part of the named police personnel of PS Saraikhela and on the part of the then Superintendent of police and SDPO cum ASP of Sarikhela (City). Hence the state is vicariously liable for the act of omission or commission on the part of its employees.</i></p> <p><i>10.Recommendation: - In view of the above stated facts and on the basis of available documents on record, the Hon'ble Commission may be recommendedto:-</i></p>

a) issue show cause notice to the Chief Secretary, Government of Jharkhand for grant of suitable compensation to the NoK of the deceased.

b) to call for the action taken report on the findings of the magisterial enquiry and to submit the present status of case FIR No.126/22 of PS Saraikhela.

c) to issue direction to the Director General of Police, Jharkhand to initiate departmental enquiries against the erring officials on the act of omission and commission in the instant case as per law and rules and to communicate the findings of the enquiry to the Commission...”

The Commission has gone through the analysis of the reports done by the Investigation Division and has perused its recommendation and has also considered other relevant materials placed on the record.

The Commission has considered findings of the Investigation Division and the Reports available on record and independently observes and concludes that in the present case, the deceased, aged 17 years, was arrested by the police. The Report reveals that Vasudev Sardar, a father of a missing 16-year-old daughter, reported his daughter's disappearance on 26/10/2022. The complainant arrived at the police station with his daughter, son, and deceased Mohan Murmu, who expressed a desire to take his daughter home. The police contacted the deceased's family, but they only agreed to come once they arranged transport. The deceased was found locked in the Bal Mitra police station, hanging from a toilet slab with a belt-made noose, and was declared dead. It is evident from the available reports that no FIR was registered against the deceased and no arrest memo was prepared. The inquest report reveals a black ligature mark on the deceased's neck, with a 40 cm by 4 cm mark on the upper part of the neck. Upon dissection, a mild contusion was found beneath the thyroid cartilage, the small intestine showed contusion, and two contusions on the scalp. All injuries were determined to be antemortem, and the cause of death was asphyxia caused by hanging, as per the PMR.

The police registered an FIR No. 126/22 u/s 342/302/201/385/389/109/119 and 34 IPC against SHO Manohar Kumar and unknown on 04/11/2022, based on the complaint of the deceased's father, alleging that the police demanded a bribe of Rs. 80,000 from the deceased's relatives for his release. A judicial magistrate's inquiry revealed that a 17-year-old boy was unlawfully detained at PS Saraikhela for four days, tortured to death, and hanged to make it appear as a suicide. The police, under the command of SHO Manohar Kumar, did not call a doctor to examine the deceased, and he declared him dead himself. The inquiry also found that the then Superintendent of Police and the SDPO/ASP of Saraikhela (City) were responsible for their negligence, failing to conduct periodic inspections of the police station and arriving late at the scene. The judicial magistrate concluded that the boy was tortured to death by SHO and two ASIs, Kamal Murmu and Md. Khurshid Ali.

Further, analysis of the report reveals that a 17-year-old boy was held in illegal custody at PS Saraikhela for four days and tortured, leading to his death. The torture was carried out by SI Manohar Kumar, ASI Kamal Murmu, and ASI Md. Khurshid Ali. The inquest report and postmortem findings revealed antemortem injuries. The judicial magistrate's magisterial inquiry concluded that the police officials were responsible for the torture. The then Superintendent of Police and the SDPO/ASP of Saraikhela were found to be negligent in their duties.

It is pertinent to mention here that safety and security are prime responsibilities of the State when an arrestee is in its custody. In the instant case, the police officials failed to protect the deceased. If they had been vigilant enough, the incident could have been averted, and the life of a young person might have been saved.

The duty to take care & protection of the prisoner in Police Custody lies with the state and in this case the Police Officials failed to do so and State being Parens Patriae of its citizens vicariously liable to pay compensation to the Next of Kin (NoK) of the deceased.

In view of above, the Commission hereby directs its Registry to issue notice u/s 18 of the PHR Act 1993 to the Chief Secretary, Govt. of Jharkhand to show cause as to why the Commission should not recommend a monetary compensation of **Rs. 5,00,000/-** (Rs Five lakhs only) to the NoK of deceased arrestee Mohan Mandi, R/o Vill: Junbari, PS: Dhalbhumgarh, Distt- East Singhbhum, Jharkhand who died in Police custody on 01.11.2022, while he was in the police custody of Saraikhela Police, Jharkhand. The reply to show cause notice is to be submitted, within six weeks positively, failing which the Commission shall presume that the State Government has no objection in grant of said compensation and the Commission would be constrained to confirm its recommendation accordingly.

The Commission also directs Director General of Police, Jharkhand to get this matter inquired into to fix the responsibility of police officials concerned and to take appropriate action against them.

The Commission further directs the Director General of Police, Jharkhand to submit the present status of case FIR No. 126/22 of PS Saraikhela.

The compliance report is to be submitted within six weeks positively.

List this matter thereafter.

Complaint

Diary No	18552/IN/2022	Section	M-6
Language	ENGLISH	Mode	HRCNET/ONLINE
Received Date	06/11/2022	Complaint Date	06/11/2022

Victim

Victim Name	LATE MOHAN MANDI	Gender	Male
Religion	Unknown	Cast	Scheduled Tribe
Address	SARAIKELA		
District	SERAIKELA-KHARSAWAN	State	JHARKHAND

Complainant

Complainant Details of Main Case			
Name	SHABAB.NAIYYER		
Address	WARD. NO 19 CHAKRADHARPUR		
District	WEST SINGHBHUM	State	JHARKHAND (833102)
Complainant Details of Linked Case			
Name	SHABAB NAYYAR		
Address	R/O- BANGLA TAD, WARD NO.-19, CHAKARDHARPUR,		
District	WEST SINGHBHUM	State	JHARKHAND (833102)

Incident

Incident Place	SARAIKELA	Incident Date	01/11/2022
Incident Category	DEATH IN POLICE CUSTODY		
Incident District	SERAIKELA-KHARSAWAN	Incident State	JHARKHAND
Incident Details			