

(2009) 05 KAR CK 0018
In the Karnataka High Court
Case No : WPHC No. 75 of 2009

Nagendra

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 21-05-2009

Acts Referred:

Citation : (2009) 05 KAR CK 0018

Hon'ble Judges : V. Jagannathan, J;N.K. Patil, J

Bench : Division Bench

Advocate : B.N. Jagadeesha, for the Appellant; B. Manohar Aga, for the Respondent

Judgement

1. The instant case is suo moto registered on the basis of the telegram sent by the petitioner to the Hon''ble Chief Justice, on 14.5.2009 stating that his father Sri Kempeeraiah and one Sri. Siddaiah have been illegally detained by the Sub-inspector of Police, Nelamangala Police Station, Bangalore Rural District on 13.5.2009.

2. Learned Additional Government Advocate for respondent, on instruction has filed an affidavit of one Sri. B. Raju S/o C.D. Boraiah, Sub-Inspector of Police, Nelamangala Police Station, Bangalore Rural District, stating that, on the basis of the complaint made by one Sri. Narasimharah on 16.2.2008 against the petitioner's father and one Sri. Siddappa, they have been called upon to the Police station and their statements have been recorded with regard to the civil dispute. To verify and satisfy with the statement made by learned Additional Government Advocate for respondent as referred above on instruction from the Sub-Inspector who is present before this Court, we have specifically put a question regarding this aspect of the matter to petitioner's father Sri. Kempeeraiah and Sri. Siddappa who are present before this Court. They have stated that, they have been called upon to the Police station on 13.5.2009 at 9.00 a.m., they have been illegally detained till 3.00 p.m. on 14.5.2009 and they have been released on 14.5.2009 at 3.00 p.m. This fact knowing fully well, the

jurisdictional Sub Inspector of Police, Nelamangala Police Station, has not stated the true facts in para-3 of his affidavit. Therefore, the statement made by him in para-3 of the affidavit dated 21.5.2009 does not inspire the confidence of this court. Nor there is any justification to accept his statement. Intentionally and deliberately he has not disclosed, as to on what date he has called upon the persons as referred above, except stating that, on the basis of the complaint received on 16.2.2009, he has called upon one Sri. Kempeeraiah and Sri. Siddappa on 14.5.2009 for recording their statement and this fact is undisputed, since it emerges from the original records made available by the learned Additional Government Advocate for respondent that, the statements of Sri . Kempeeraiah and Sri. Siddappa have been recorded. When this clinching material is available on record, the same has not been stated in the affidavit nor shown his bonafide. Therefore, we are constrained to observe about the manner in which the officer has handled the matter and the same is astonishing in nature. He being the Sub Inspector of Police, he ought not to have taken law into his own hands and treated the persons illegally and the same is not permissible under law. Having regard to the status and age of the officer concerned, it is a fit case to direct the officer to pay a sum of Rs. 5,000/- each to Sri. Kempeeraiah and Sri. Siddappa by way of compensation within one week from today.

The said amount paid by the concerned Sub-Inspector of Police, Nelamangala Police Station to Sri. Kempeeraiah and Sri. Siddappa by way of compensation, will not be a stigma to his future career and it would not come in the way for his promotion and other benefits in his future service and the concerned authority shall consider his case, independently, on merits without being influenced by the observations made by this Court during the course of this order.

Further the Sub-Inspector of Police, Nelamangala Police Station, is directed to produce the receipt for having paid the said amount to one Sri. Kempeeraiah and Sri. Siddappa, along with a memo in the Registry immediately.

If, the Sub-Inspector of Police, Nelamangala Police Station, fails to pay Rs. 5,000/- each to one Sri. Kempeeraiah and Sri. Siddappa as stated supra, the Registry is directed to recover the said amount and pay the same to them.

With these observations, the instant writ petition stands disposed of.