
(2011) 01 AHC CK 0191
In the Allahabad High Court
Case No : Writ A No. 75423 of 2010

Suhail Khan and Others

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 03-01-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 304A

Citation : (2011) 01 AHC CK 0191

Hon'ble Judges : Dilip Gupta, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Dilip Gupta, J.—The Petitioners who are Constables in the Civil Police are aggrieved by the orders dated 9th December, 2010 passed by the Superintendent of Police, Mirzapur by which an amount of Rs. 1 lac from each of the Petitioner is sought to be recovered pursuant to the directions issued by the Human Rights Commission.

2. It is stated in the writ petition that the Petitioners, while posted at Police Station in District Mirzapur chased certain persons involved in gambling as a result of which one Raju Khan fell down in the well and died. Departmental proceedings were initiated against the Petitioners in which punishment of stoppage of 15 days salary was imposed on 22nd November, 2007. The Petitioners were also charged u/s 304A Indian Penal Code but they were acquitted by the judgment and order dated 28th May, 2010. Subsequently, on account of the death of Raju Khan, Human Rights Commission passed an order directing the State Government to pay compensation of Rs. 3 lacs to the family of the deceased and as a consequence of the said order, the Superintendent of Police has passed the order on 9th December, 2010 for recovery of the amount from the Petitioners.

3. Sri V.K. Singh, learned Counsel for the Petitioners has submitted that no

opportunity was given by the Human Rights Commission to the Petitioners before passing the order and in any case once the Petitioners had been acquitted by a criminal court, such liability could not have been fastened on the Petitioners.

4. The matter requires examination.

5. Learned Standing Counsel appearing for the Respondents prays for and is granted four weeks" time to file the counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

6. List this petition for admission/hearing in the week commencing In view of the submissions advanced by the learned Counsel for the Petitioner, it is ordered that no recovery shall be made from the Petitioners pursuant to the order dated 9th December, 2010 passed by the Superintendent of Police, Mirzapur.