

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

ON THE 14<sup>th</sup> OF OCTOBER, 2022

WRIT PETITION No. 7824 of 2022

**BETWEEN:-**

TRIBHUVAN NATH MISHRA, S/O RAJNARAYAN MISHRA, AGED ABOUT 62 YEARS, OCCUPATION: RETIRED EMPLOYEE, R/O VILLAGE DAMDIYA BANAPURA, TEHSIL SEONI MALWA, DISTRICT HOSHANGABAD, (MADHYA PRADESH)

....PETITIONER

*(BY SHRI VIJAY KUMAR SHUKLA, ADVOCATE)*

**AND**

1. THE STATE OF MADHYA PRADESH THROUGH THE SECRETARY HOME (POLICE) DEPARTMENT VALLABH BHAWAN BHOPAL (MADHYA PRADESH)
2. THE DIRECTOR GENERAL OF POLICE, POLICE HEADQUARTERS, BHOPAL (MADHYA PRADESH)
3. INSPECTOR GENERAL OF POLICE, ZONE NARMADAPURAM DISTRICT-HOSHANGABAD (NARMADAPURAM) (MADHYA PRADESH)
4. SUPERINTENDENT OF POLICE, HOSHANGABAD (NARMADAPURAM) DISTRICT-HOSHANGABAD (NARMADAPURAM) (MADHYA PRADESH)
5. MS SHOUMYA AGRAWAL POSTED AS SUB DIVISIONAL OFFICER SEONI MALWA, DISTRICT-HOSHANGABAD (MADHYA PRADESH)
6. SHRI SANJEEV SINGH PAWAR, STATION HOUSE OFFICER SHIVPUR, DISTRICT-HOSHANGABAD (MADHYA PRADESH)

....RESPONDENTS

*(BY SHRI SHIVAM HAZARI, PANEL LAWYER FOR RESPONDENT)*

*NO.1 TO 4)*  
*(NONE FOR RESPONDENTS NO.5 AND 6)*

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*This petition coming on for hearing on this day, the court passed the following:*

**ORDER**

Petitioner's contention is that respondent No.5 had lifted petitioner's son on 15/5/2021 at 12.00 am from the house of his daughter situated under Police Station, Jahangirabad, Bhopal on the pretext that he was needed for some investigation in the murder case of one journalist under Police Station Shivpur, Distt. Hoshangabad (Narmadapuram) and thereafter his son who is prosecuting his study in LLB 1st year in RKDF University, Bhopal was beaten brutally violating the human rights of the petitioner and petitioner's son.

Shri Shivam Hazari, learned Panel Lawyer, in his turn, submits that petitioner's son is a 'Nigranisuda Gunda' and 26 cases are registered against him. He was called to the Police Station and was let go immediately.

Shri Shukla, learned counsel for the petitioner, submits that respondent No.5 had accepted bribe of Rs. two lakh from the petitioner who is a retired railway employee to release his son and despite orders of this Hon'ble Court dated 06/04/2022, Police authorities have failed to preserve the CCTV footage from 26/2/2022 to 02/03/2022.

Shri Shivam Hazari, learned Panel Lawyer, submits that camera was not working since 25/02/2022, it is entered in Roznamcha, but, Shri Hazari is at lost that what steps were taken to get the camera repaired immediately on 25/2/2022 and why it could not be repaired upto 02/03/2022, the period during which there are serious allegations of brutality attributed to respondents No.5 and 6. Prima facie, it appears to be deliberate act on the part of the authorities in not keeping the CCTV camera functional at the concerned Police Station in violation of the

order of Hon'ble Supreme Court in the case of **Paramvir Singh Saini Vs. Baljit Singh and others, (2021) 1 SCC 184.**

*Prima facie*, it appears to be a case of violation of human rights. Police personnel are behaving irrationally against the oath of allegiance towards the constitution and the constitutional values. CCTV camera is not being maintained properly so to cover up the lapses on the part of the police personnel and cover up the allegations of brutality and bribery.

Let this matter be investigated by the M.P. Human Rights Commission which will complete its investigation within three months from the date of receipt of certified copy of the order being passed today which petitioner besides State Government will be obliged to furnish within three working days from today to the State Human Rights Commission. If the allegations made the petitioner are found correct and if it is found that police authorities for no sufficient reasons have failed to maintain CCTV installed at an appropriate place and had committed brutality, then shall also direct the State Government to pay compensation in favour of son of the petitioner. This exercise will be in addition to the matter reported by the petitioner to the Lokayukt against respondent No.5 who will be acting independently only in regard to the allegations of demand of bribe and acceptance of bribe by respondents No.5 and 6.

In above terms, the writ petition is disposed of with liberty to the petitioner that it will be open to approach again before this Court if he is aggrieved by the action of the Human Rights Commission.

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