

IN THE HIGH COURT OF SIKKIM

ORDER SHEET

W.P.(Crl.) No.4 ~~No~~ of 2003.

Jagat Bahadur Chauhan Petitioner / Appellant

Versus

State of Sikkim & Others Respondent

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
1.	27-8-2003	<p style="text-align: center;">Put up tomorrow as requested by the learned Public Prosecutor to enable him to get the instructions.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p><i>N. Surjamani Singh</i></p> <p>(N. Surjamani Singh) Judge 27-8-2003.</p> </div> <div style="text-align: center;"> <p><i>R.K. Patra</i></p> <p>(R.K. Patra) Chief Justice 27-8-2003.</p> </div> </div> <p style="text-align: left; margin-left: 10%;">rs/</p>	
2.	28-8-2003	<p style="text-align: center;">We have heard the learned Additional Advocate General.</p> <p style="text-align: center;">The Officer incharge of Soreng Police station is directed to file an affidavit in this matter by tomorrow.</p> <p style="text-align: center;">Put up on 1-9-2003 for ^{admission.} orders.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p><i>N. Surjamani Singh</i></p> <p>(N. Surjamani Singh) Judge 28-8-2003.</p> </div> <div style="text-align: center;"> <p><i>R.K. Patra</i></p> <p>(R.K. Patra) Chief Justice 28-8-2003.</p> </div> </div> <p style="text-align: left; margin-left: 10%;">rs/</p>	<p style="font-style: italic;">Report filed by the Police Inspector & Soreng Police Station on 28-8-03.</p> <p style="text-align: right; font-style: italic;">28/8/03</p>

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3.	1.9.2003	<p>We have perused the petition purported to have been submitted by one Jagat Bahadur Chauhan. We have also gone through the report which is supported by an affidavit by the Officer-in-charge of Soreng Police Station, West Sikkim.</p> <p>Upon hearing Mr. N. B. Khatiwada, learned Public Prosecutor, we are satisfied that the petition does not merit admission.</p> <p>The gravamen of the allegation is that, Manbir Chauhan, the brother of the petitioner was tortured by the local police after he was arrested and was made to lie on the floor of the police station in an unconscious condition. The said Manbir Chauhan, according to the petition had sustained multiple external and internal injuries.</p> <p>It appears from the report submitted by the Officer-in-charge of Soreng Police Station that, as back as on 15.1.2003, Soreng P.S. Case No.1(1) of 2003 was registered against Manbir Chauhan under Sections 341, 324/354 IPC on the basis of a written complaint made by one Raj Kumar Sharma alleging that Manbir Chauhan assaulted three persons including his daughter-in-law in the evening of 14.1.2003. Although the police was in search of him, he was evading arrest and only on 20.8.2003 the patrolling party arrested him at about 5.20 p.m. at Mangsari and took him to Soreng P.S. in vehicle No.SK-04/4388. He was suspected to have drunk also. As he had injuries on his person, he was sent to Soreng Primary Health Centre for medical check up on 20.8.2003 itself. Dr. G. K. Cintury of Soreng Primary Health Centre had noticed the following injuries on the person of the said Manbir Chauhan :-</p>	

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		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 35%;">Nature of injury i.e. whether a cut, a bruise, a burn & c., & c</th> <th style="width: 30%;">Size of each injury in inches i.e., length, breadth and depth</th> <th style="width: 35%;">On what part of the body inflicted</th> </tr> <tr> <td style="text-align: center;">1.</td> <td style="text-align: center;">2.</td> <td style="text-align: center;">3.</td> </tr> </thead> <tbody> <tr> <td>Swelling</td> <td>4cm x 4cm</td> <td>PostAuricular Region (Rt)</td> </tr> <tr> <td>Swelling Marked Tenderness</td> <td>5cm x 5cm</td> <td>(Lt) Arm (Lt) Arm</td> </tr> <tr> <td>Bruise (2) in nos -></td> <td>5 cm x 3cm, 5cm x 3cm</td> <td>(Lt) Arm</td> </tr> <tr> <td>Bruise -></td> <td>6cm x 3 cm</td> <td>(Rt) Fore Arm</td> </tr> <tr> <td>Bruise (7) in nos -></td> <td>160cm x 4 cm, I } 7cm x 3 cm, II } 6cm x 2 cm, III } 8cm x 4 cm, IV } 5 cm x 5 cm, V } 3cm x 3 cm, VI } 5cm x 4 cm, VII }</td> <td>- Back</td> </tr> <tr> <td>Bruise 4 in nos</td> <td>6cm x 3cm, } 5cm x 3cm, } 4cm x 2 cm, } 4cm x 4 cm. }</td> <td>- (Lt) Thigh</td> </tr> <tr> <td>Abrasion Swelling (Lt) leg with marked tenderness</td> <td>7cm x 2 cm</td> <td>- (Lt) Leg</td> </tr> <tr> <td>Minimal Bleeding from incised wound present Swelling</td> <td>5 cm x 5cm</td> <td>- (Rt) Scapular Region with Marked tenderness</td> </tr> </tbody> </table>	Nature of injury i.e. whether a cut, a bruise, a burn & c., & c	Size of each injury in inches i.e., length, breadth and depth	On what part of the body inflicted	1.	2.	3.	Swelling	4cm x 4cm	PostAuricular Region (Rt)	Swelling Marked Tenderness	5cm x 5cm	(Lt) Arm (Lt) Arm	Bruise (2) in nos ->	5 cm x 3cm, 5cm x 3cm	(Lt) Arm	Bruise ->	6cm x 3 cm	(Rt) Fore Arm	Bruise (7) in nos ->	160cm x 4 cm, I } 7cm x 3 cm, II } 6cm x 2 cm, III } 8cm x 4 cm, IV } 5 cm x 5 cm, V } 3cm x 3 cm, VI } 5cm x 4 cm, VII }	- Back	Bruise 4 in nos	6cm x 3cm, } 5cm x 3cm, } 4cm x 2 cm, } 4cm x 4 cm. }	- (Lt) Thigh	Abrasion Swelling (Lt) leg with marked tenderness	7cm x 2 cm	- (Lt) Leg	Minimal Bleeding from incised wound present Swelling	5 cm x 5cm	- (Rt) Scapular Region with Marked tenderness	
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		<p>The doctor had also found that he was smelling alcohol. The doctor of Primary Health Centre also referred the case to STNM Hospital, Gangtok. Doctor S. D. Sharma of STNM Hospital on examination of the said Manbir Chauhan found the injuries to be simple. In the report, it has been further stated that he has</p>																															

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		<p>been released on bail with one surety on 21.8.2003 when he was being referred to STNM Hospital at Gangtok.</p> <p>From the ^{above} allegation, it may be seen that the concerned police officer tortured Manbir Chauhan and made him lie on the floor throughout the night without any basis. On the contrary, the said Manbir Chauhan was sent to Primary Health Centre on 20th itself at about 8.30 p.m.</p> <p>In the last paragraph of the petition, the petitioner has made some allegation about the murder of his brother last year. That has got nothing to do with the present allegation made in respect of Manbir Chauhan.</p> <p>In view of what has been stated above, we do not find any basis to take any further action by this Court on the said petition.</p> <p>The petition accordingly stands disposed of. Copy of this order be communicated to the petitioner.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p><i>N.S. Singh</i></p> <p>(N. S. Singh) Judge <u>01.09.2003.</u></p> </div> <div style="text-align: center;"> <p><i>R.K. Patra</i></p> <p>(R. K. Patra) Chief Justice <u>01.09.2003.</u></p> </div> </div>	<p>Office Note as to action (if any) taken on Order</p> <p style="text-align: right; margin-top: 20px;">A copy of order forwarded to the Petitioner on 3-9-03 <i>Mehar</i> 31/9/03</p>

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