

7 December 2021

The Chairperson  
National Human Rights Commission  
Manav Adhikar Bhawan  
Block-C, GPO Complex, INA  
New Delhi- 110023

Respected Sir,

Through this complaint, I would like to bring to your attention a case of unnatural death in police custody of a marginalised Muslim migrant labour from Panighata Purbapara under Kaliganj Police station area in Nadia district of West Bengal. The victim was arrested by Bhimpur police station of Nadia district with allegations of using fake currency notes. The facts in this case have been manipulated by the police, starting from the arrest of the deceased, the lodging of FIR, admission to the hospital, conduction of inquest and post-mortem and so on. The police have presented the case as a death due to ill-health whereas there are several testimonies and facts that point towards the culpability of the police in the death of the victim.

1. As per police record, the victim was arrested on 04.12.2021 but the locals have seen the police officials taking the victim along with them two days before the date of arrest.
2. The victim used to be a migratory worker and worked in Haryana as daily labourer. The family members of the victim residing in Panighata village had no information of his return or getting arrested by the police.
3. The police visited the house of victim in Panighata at around 3:00 am on 5.12.21 and informed his family that the victim is ill and admitted to Shaktinagar District Hospital. The police took signature of the family members on a form,.
4. The family was informed about the death of the victim at around 7:30 am by police and asked to be present during the inquest and post mortem at Shaktinagar District Hospital. But even though the family members were present in the hospital for inquest and autopsy, they were not let inside the morgue during inquest and autopsy. They were called in after the inquest and autopsy was done.
5. The inquest was conducted by one Executive Magistrate, Mr. Ajoy Kumar Saha and not any judicial magistrate as stated in the 176 1(A) of the CrPC.
6. The police of Bhimpur and Kotowali police stations with nexus with civil administration conducted their role in perfunctory manner and thus violated sections of Criminal Procedure Code, 41B(b), 41C, 50, 50A, 53, 54, 57, 58 and 176(1)A.

The incident violates Articles 19 and 21 of the Constitution of India. The incident also violates several sections of the Criminal Procedure Code, particularly those on arrest guidelines and Section 176 1(A) which requires inquest in cases of custodial death to be done by Judicial Magistrate. The police have also violated the DK Basu guidelines given by the Supreme Court of India. The details of the case are given in the fact finding report attached below.

Therefore, I seek your urgent intervention in the case through taking the following measures:

- An independent and impartial inquiry should be initiated in the case by either the investigative team of the NHRC or the CID.
- The Police should be held accountable for not following the guidelines of arrest.
- The Inquest report of the victim should not be deemed reliable because due procedure was not followed while conducting the examination. Hence afresh inquest should done by judicial magistrate.

- The family of the deceased should be protected and to receive adequate compensation for death in police custody.

Thank you.

Yours Sincerely,

Kirity Roy  
Secretary, MASUM

**Details of the Victim:** Abdul Goni Sekh;s/o Lt. Rahim Sekh; 43 years; Address: Panighata Purbapara village under Kaliganj police station area in Nadia district, West Bengal

**Details of secondary victims:**

1. Jalema Bibi, aged 35 years, wife of Abdul Goni Sekh, residing at Panighata Purbapara village under Kaliganj police station area in Nadia district, West Bengal
2. Sahida Bewa, aged 75 years, mother of Abdul Goni Sekh, residing at Panighata Purbapara village under Kaliganj police station area in Nadia district, West Bengal

**Details of the Perpetrators:** 1. Officer-in-Charge and other police officers of Bhimpur Police. 2. Inspector-in-Charge of Kotwali police station,

**Date and Time of Incident:** 4.12.2021 and 5.12.2021

**Place of Incident:** In custody of Bhimpur Police Station

**Details of Incident:** Abdul Goni Sekh is a migratory labourer and stayed with his wife Ms. Jalema Bibi in Haryana. Goni worked as a mason there, while his wife used to work as a domestic help. He has two brothers, Mr. Sajahan Sekh (50) and Mr. Moti Sekh (42), who stays in Panighata along with their own families and mother, Ms. Sahida Bewa. Mr. Sekh was married previously with Ms. Ajiron Bibi, but now separated and stays in a different place.

Our fact-finding revealed that Mr. Sekh and his wife came to West Bengal few days ago and were apprehended by Special Operations Group (SOG) from Nelua village of Bhimpur for dispersal and usage of fake currency notes at least two day before his date of arrest shown by the police. According to few locals he was seen being taken by the police to one Majid Molla's house under Nakashipara police station area on 2.12.21. Later Majid Molla was also taken in custody by the Bhimpur police with similar charges. Abdul Goni Sekh was then handed over to the Bhimpur police, where he was kept in police lockup. Bhimpur police initiated a case with **Bhimpur PS case number 344/21 dated 4/12/21 under sections 489(B) and 489 (C) of the Indian Penal Code.**

At round 3:00 am on 5.12.21, few police officials from Kaliganj police station went to Goni's house in Panighata, woke the family members and informed that Goni was arrested by Bhimpur police and was admitted in the Shaktinagar District Hospital as he was feeling sick in police lockup. They also asked the family members to sign a document. The two brothers of Mr. Sekh was shocked to hear that Goni was back in West Bengal and was arrested by the police as they had no prior information of his arrest. At around 7:30 am when they were about to leave their house for Shaktinagar District Hospital, they again got a call from the Kaliganj police, who

informed them that Abdul Goni Sekh was dead and they'll have to be present during the time of inquest and autopsy. After that they along with their relatives and neighbours went to the Shaktinagar District Hospital. They waited there for the inquest and autopsy since 9:00 am. At around 3:00 pm two of them were called inside the morgue to identify Abdul Goni Sekh by the on-duty police personnel attached with Kotwali police station and asked to leave the morgue as soon as they identified the body. However, at around 3:30 pm the on-duty police personnel from Kotwali police station informed the family members of the victim that the inquest and autopsy was already done. The family members and neighbours present there were enraged and started agitating in front of the police. They stated that they were waiting there since morning to be present during the inquest and autopsy by the on-duty police personnel present there conducted the procedures secretly. They refused to take the body of the victim from the morgue until proper procedures are conducted.

### Attached documents

#### Aadhaar Card of the victim





Dead body of Abdul Goni Sekh before and after autopsy



Bereaved mother and wife (Ajiron Bibi) of Abdul Goni Sekh

----- Forwarded message -----  
From: **Bhimpur PS Nadia** <psbhimpurnadia@gmail.com>  
Date: Sun, Dec 5, 2021 at 9:15 AM  
Subject: Information  
To: <pskaliganinadia@gmail.com>, <psnakashiparanadia@gmail.com>, <pskrishnanaganadia@gmail.com>, <psdulsipnadia@gmail.com>, <psdikrishnagarpd@gmail.com>, Addl SP Nadia <psdikrishnagarpd@gmail.com>  
To: O/C Kaliganj PS, KPD -W- C1 Nakashipara KPD / C1 Krishnaganj KPD -W- DSP (D&T) KPD -W- DSP (HQ) KPD -W- DSP (DIB) KPD -W- Addl SP(Rural)KPD -W- Addl SP(HQ) KPD -W- SP KPD ( )  
From: O/C Bhimpur PS, KPD  
Ref: Bhimpur PS Case No. 344/21 dt. 04.12.2021 U/S- 489(B)/489(c) IPC.  
Please arrange to inform the relative of accused Abdul Gani Sekh,(45) S/O-Rahim Shek of School Para, Panighata, PS- Kaliganj, Nadia who was arrested in C/W above noted case that he felt ill and was immediately taken to Shaktinagar District Hospital where he expired. It is also requested to inform relatives of deceased Abdul Gani Sekh to be present in the time of Post Mortem at Shaktinagar Police Morgue today on 05.12.21 at 02:00 P.M  
Superior kindly information ( )  
Sd/-  
O/C Bhimpur PS, KPD  
Bhimpur PS, KPD  
Dt. 05.12.2021

Police information to victim's family

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Kirity Roy  
Secretary  
Banglar Manabadhikar Suraksha Mancha  
(MASUM)  
&  
National Convenor (PACTI)  
Programme Against Custodial Torture & Impunity  
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Srirampur  
Hooghly  
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*Mobile (0) 9903099699*  
e. mail : [kirityroy@gmail.com](mailto:kirityroy@gmail.com)  
Web: [www.masum.org.in](http://www.masum.org.in)