

IN THE GAUHATI HIGH COURT
(The High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,
Mizoram & Arunachal Pradesh)

IMPHAL BENCH

W.P.(CrI) NO.16 OF 2006.

Shri Ksh. Ghane Singh. ... Petitioner
-Versus-
The State of India & Ors. ... Respondents.

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. MADAN B. LOKUR
THE HON'BLE MR. JUSTICE ASOK POTSANGBAM

For the petitioner : Mr.Kh. Mani, Advocate.
For the Respondents : Mr. Th.Ibohal, Sr. Govt.
Advocate.
Date of Order : 23-08-2010.

O R D E R

Heard Mr. Kh. Mani, learned counsel for the petitioner and Mr. Ibohal, learned CGC.

This is rather an unfortunate case where the allegations that the son of the petitioner Kshetrimayum Meghamani Singh is alleged to have beaten his wife to death, and he in turn was tortured to death by the police.

On the death of the wife of Meghamani Singh, the relatives of the deceased lodged an FIR and he was then arrested by the police. The allegation of the petitioner is that Kshetrimayum Meghamani Singh was then tortured and beaten by the police until he died. It is under these circumstances that the present writ petition has been filed for compensation for the custodial death of Meghamani Singh.

The sequence of events was denied by the police and so, this Court passed an order on 24-8-2006 directing the District Judge, Manipur West to conduct and enquiry and to give a report of the events that took place and ascertain who were responsible for the death of Meghamani Singh.

The learned District Judge submitted a report on 9-4-2010 and it has clearly been mentioned therein that the deceased Kshetrimayum Meghamani Singh was tortured by the police and as a result of which he died. The learned District Judge was also required to find out who are the persons guilty for committing the torture which resulted in the death of Kshetrimayum Meghamani Singh but all there is mentioned is that the police personnel of Kakching Police Station were responsible.

The fact of the matter is that today both the children of Kshetrimayum Meghamani Singh and his wife, who are minors aged about 14 years and 10 years, are without their parents. It cannot be seriously disputed that Kshetrimayum Meghamani Singh was tortured to death by the local police, although this is denied. But, but the learned District Judge found that the denial was totally baseless without any substance.

In view of the clear finding of the custodial death of Kshetrimayum Meghamani Singh the petitioner is entitled to invoke the public law remedy available and to seek compensation for his death.

After hearing learned counsel for the parties, we are of the view that given the peculiar facts and circumstances of the case and the fact that both the children of Kshetrimayum Meghamani Singh and his wife are minors and are faced with a rather unfortunate situation, it would be appropriate if compensation is given to them rather than to the petitioner, their grandfather.

However, we are not inclined to release the compensation in favour of the children of Kshetrimayum Meghamani Singh until they become 21 years of age because it is possible that the amount may be misused if it is released in their favour, before they attain an appropriate age.

We, therefore direct, on the peculiar facts and circumstances of this case, that the State will prepare a fixed deposit receipt of Rs. 2.5 lacks drawn in favour of the elder son of the deceased, namely, Master Kshetrimayum Chingkhei Singh and another fixed deposit receipt of Rs. 2.5 lacks drawn in favour of the daughter of the deceased, namely, Ms. Kshetrimayum Maichon Devi. The fixed deposit receipts will be kept in the custody of the learned District Judge, Manipur West to be encashed on identification when Master Kshetrimayum Chingkhei Singh and Ms Kshetrimayum Maichon Devi attain the age of 21 years. The fixed deposit receipt will, necessarily, be renewed from time to time for this purpose.

The fixed deposit receipts should be deposited by the State Government with the learned District Judge within a period of four weeks from today.

We also direct the Director General of Police to conduct an in-house enquiry to find out who are the persons from Kakching Police Station who are responsible for the custodial death of the petitioners son.

The DGP should conduct the enquiry personally or cause it to be conducted by a senior police officer not below the rank of DIG of Manipur Police and conclude it within a period of six months so that departmental action can then be taken against the guilty persons.

With the above directions, the writ petition is disposed of.

Sd/- ASOK POTSANGBAM,
JUDGE.

Sd/- MADAN B. LOKUR,
JUDGE.