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Bharatpur Army Officer & Lawyer Assault: Orissa HC Takes Suo Moto Cognizance, Restrains Media From Publishing Identity Of Victims

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23 Sep 2024 9:19 PM

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The Orissa High Court on Monday took suo moto cognizance of the issue pertaining to alleged custodial torture meted out to an Army official and his female lawyer friend in Bharatpur police station of Bhubaneswar. The action came subsequent to the letter of **Lieutenant General PS Shekhawat**, General Officer Commanding & Colonel which urged the Chief Justice to take suo moto cognizance.

Background Of Controversy

The matter pertains to illegal detention and alleged custodial torture meted out to an Army officer from 22 Sikh Regiment and to his female friend, a practising lawyer. The incident happened in between 02:00 AM to 07:00 AM on 15.09.2024.

Reportedly, the couple had come to the police station to lodge a complaint against some culprits involved in a road rage case which occurred while they were on their way back to home on the same night. However, instead of registering the complaint, the police personnel started misbehaving and assaulting both the persons.

Later on, an FIR was lodged against them for commission of offences under **Sections 126(2), 115(2), 296, 324(2), 118(1), 74, 132, 351(3) and 3(5)** of the **Bharatiya Nyaya Sanhita**

(https://www.indiacode.nic.in/handle/123456789/20062?view_type=browse) **(BNS)**. After being denied bail by a lower Court, the lady was granted bail by the High Court (<https://www.livelaw.in/high-court/orissa-high-court/orissa-high-court-grants-bail-army-major-police-clash-case-section-35-bnss-269997>) on September 18.

On September 17, a Single Bench of the Court had ordered treatment of the lady in the AIIMS, Bhubaneswar. During the hearing of the bail petition, **Advocate General Pitambar Acharya** assured the Court of fair inquiry in the case. He had also informed that the erring officials have been suspended pending the inquiry.

Subsequent to the incident, there has been a severe public outrage over police atrocities and a series of allegations and counter-allegations between the victims and the police authorities. Considering the gravity of the issue, the **National Commission for Women** has also taken suo moto cognizance in this case.

State Orders Judicial Probe

The State Government has ordered a judicial inquiry into the incident by a retired High Court Judge. In a post shared on 'X' (https://x.com/CMO_Odisha/status/1837937117919694984) (formerly Twitter) by the Chief Minister's Office, it was informed that **Justice Chitta Ranjan Dash**, retired Judge of Orissa and Calcutta High Courts, has been requested to conduct a judicial probe into the matter and to submit the inquiry report within **sixty days**. Further, the Government also requested the High Court to monitor the probe.

Concern Over Non-Installation Of CCTV Camera In Police Station

When the matter was taken up for hearing today, the Division Bench of **Chief Justice Chakradhari Sharan Singh** and **Justice Savitri Ratho** was apprised of the developments made in the case and was also informed about appointment of a Judicial Commission to inquire into the matter.

The Court, however, expressed resentment over the non-installation of CCTV cameras in the police station for which the truth could not be revealed even though the entire incident unfolded within the four walls of the police station.

The Bench reminded the State of the guidelines issued by the Supreme Court mandating installation of CCTV cameras in all police stations across the country. Pertinently, the top Court in ***Paramvir Singh Saini v. Baljit Singh & Ors. (2020)*** (<https://www.livelaw.in/top-stories/cctv-camera-every-police-station-supreme-court-directives-166709>) had ordered States/Union Territories to ensure installation of CCTV cameras inside all the police stations.

Noteworthy to mention that the Apex Court had issued warning (<https://www.livelaw.in/top-stories/supreme-court-sc-warns-centre-states-cctv-surveillance-cameras-police-stations-federal-investigation-agencies-222317#:~:text=As%20per%20the%20directions%2C%20CCTV,verandas%20or%20outf>) in 2023 to the non-complying States and Union Territories to install the CCTV cameras compulsorily or else to face contempt.

Despite of such repeated orders, the Court was shocked to learn that CCTV cameras were not installed inside the Bharatpur police station.

“What is troubling us that it has happened in a police station which is in Bhubaneswar [the capital city] and you do not know what happened because you did not have the equipment in the police station. Such occurrences might have taken place [earlier] which might have gone unreported,” the CJ orally remarked.

Prohibition On Publication Of Names Of Victims

The Chief Justice directed that no print or electronic media or even social media shall disclose the name or identity of the army official or his lawyer friend. It also barred the media to hint at any mark of identification which could potentially reveal their identities.

“We have intentionally not disclosed the names of the persons who visited the police station on 15th so as to protect their dignity. We have noticed that their names and identities have been disclosed in the print, electronic and social media. We consider it proper, in the facts and circumstances of the case, to restrain all concerned from publishing names/identities of the concerned two persons, who had visited the police station on 15.09.2024, in either print, electronic or social media in any manner.” the Bench ordered.

Assurance Given By Advocate General

Addressing the Advocate General, the Chief Justice expressed his shock over the incident and said,

“Two persons go to the police station to lodge a complaint. We don't know what happened inside the police station but they come out with a criminal case against them for commission of attempt to murder! Will any person go to the police station after noticing this fact?”

Reverting to the Bench, the Advocate General reassured that the State is quite serious about the occurrence and has put the five erring police officials, including the Inspector-in-Charge of the police station, under suspension.

He further stated that three cases relating to and incidental to this matter have already been handed over to the Crime Branch for impartial investigation, which is being supervised by a senior IPS officer in the rank of Additional Director General of Police (ADGP).

He also apprised the Court about the appointment of a Judicial Commission of Inquiry headed by **Justice (retd.) Chitta Ranjan Dash**, pursuant to a high-level meeting held by the Government. Furthermore, he also informed that the Government has requested the High Court, through its Registrar General, to monitor the probe.

Responding to the query of the Bench regarding negligence on the part of the State in installing CCTV cameras, the AG informed that most of the police stations of the State are under CCTV surveillance but some of the new police stations are yet to get the facility and Bharatpur police station is a new one.

He reiterated that the State is utterly serious about implementing the guidelines of the Supreme Court regarding installation of CCTV cameras in the police stations and it shall be completed very soon.

Court's Observations

After hearing the top Government lawyer, the Chief Justice asserted that this unfortunate incident happened to an Army Officer but the same would never have happened to a senior IPS Officer.

"You will have to take some policy decisions as to how will you treat the army personnel. They come from the borders, they come from outside and this is the treatment they get...It's a clarion call for all of you to take appropriate action." he added.

So far as the request of the State to the High Court to monitor the probe is concerned, the Bench declined the same observing:

"Needless to say that power and duty of an investigating agency to investigate into a cognizable offence is statutory and unless there are exceptional circumstances, the Courts should not interfere. For the present, we do not find any reason to monitor the investigation. The Court expects that the investigating agency shall act independently and fairly."

While dictating the order, the Chief Justice remarked that despite of stringent directions passed by the Apex Court in ***D.K. Basu v. State of West Bengal*** (<https://indiankanoon.org/doc/501198/>) and ***Paramvir Singh Saini*** (supra), the State has failed to install the CCTV cameras in the concerned police station.

He also recorded the submission of the AG that out of 650 police station of the State, 593 police stations are equipped with CCTV cameras and some of the newly constructed police stations do not have the facility.

The Court made it clear that for the time being it shall only look into the facilities available in different police stations of the State. It directed the **Additional Director General (Modernization)** to submit a report based on the information available at the headquarters as regards the availability of CCTV facilities in all the police stations of the State.

Based on his report, the Court said, it shall issue further directions so as to implement the guidelines of the Supreme Court in true letter and spirit.

Before parting with the order, the Court observed:

“It is also disturbing that the occurrence has taken place with an army officer, who was on leave. The Court would like to know from the State Government as to what steps it intends to take to protect the dignity of the personnel of the armed forces in different situations.”

Click here to read order (https://www.livelaw.in/pdf_upload/display-2024-09-24t000927109-562323.pdf)

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