

## Himangshu Sekhar Jha Vs State of West Bengal and Others

**Court:** Calcutta High Court

**Date of Decision:** Nov. 15, 1978

**Citation:** (1979) CriLJ 537 : 83 CWN 181

**Hon'ble Judges:** Salil Kumar Datta, J

**Bench:** Single Bench

### Judgement

@JUDGMENTTAG-ORDER

Salil Kumar Datta, J.

This Rule is directed against an appellate order passed by the Additional Inspector General of Police dated the

August 31, 1976, reprimanding the petitioner after having found him guilty of charge 1 (a) of the charges. The petitioner was charged for dereliction

of duty in that

(1) while he was posted as C. I., Chandernagore, there was one case of flacoity and five cases of robbery in the area of the rail police falling within

the area of C. I., Chandernagore and that (a) he contributed to the failure of control of railway crimes in the period from 12-3-1973 to 14-12-

1973 by not organising surveillance over and tracing out rail criminals in his area as enjoined in P. R. B. 189 (n) and 580 (b).... There are other

charges marked as 1 (b) and 2 in respect whereof the Deputy Inspector General of Police who acted as the Enquiry Officer found charge 1 (b) as

not proved and charge 2 as proved and he recommended punishment by reduction of pay by Rs. 25/- per month for one year. As already stated,

the Additional Inspector General of Police considered the appeal against the aforesaid order and held that the charge 1 (a) as aforesaid was

proved and the appellant's failure to file personal diaries in time under charge 2 was only a formal one and the same by acceptance by the S. P.

was condoned.

2. Police Regulations Bengal 189 (n) is as follows :

He (a Circle inspector) shall pay particular attention to the matter of surveillance over bad characters, in order to ascertain whether the right men

are being looked after and shall satisfy himself, by local enquiries whenever necessary, that all active criminals, whether, convicted or suspected,

are under surveillance, and that the surveillance is effective and not merely nominal.

3. Police Regulations Bengal 580 (b) is as follows:

The surveillance of bad characters as laid down in Chapter VI shall remain with the District Police. The watching of bad characters arriving and

departing by train and generally within railway limits, however, is a matter for co-operation between the District and the Railway Police. Officers in

charge of district police stations may when necessary depute constables in plain clothes to the railway stations for this purpose. Only, constables

well acquainted with the bad characters of the district shall be deputed. They shall always carry their appointment certificates to denote their

identity.

4. It will appear from the report of the enquiry that there were several instances of offences on railways which took place within the jurisdiction of

the police stations of which the petitioner was in charge. It has been further found that no action as enjoined by the aforesaid regulations was taken

by the petitioner even though reports were repeated to the respective control rooms. Even so no steps as required under the aforesaid regulations

were ever taken by the petitioner. He neither visited the place of occurrence except one nor took any action either by himself or through his

officers in assisting the railway police in detecting the cases. Further he never co-operated with railway police or caused surveillance within his area

in time for prevention of crimes.

5. The appellate authority noted that the petitioner or his officers did not visit the houses and haunts of railway criminals nor made lists of railway

criminals or arrange surveillance over them nor did he arrange raids or participate in any raid against rail criminals nor visit places of railway

occurrence of the several cases of railway crimes. It was further held that the prime responsibility for control of rail crime is that of the G. R. P. and

the initiative of prodding the district police officers for taking up their share of control of rail crime should have come from them. It was also found

that while the petitioner was not conscientious enough to do his duty, the G, R. P. also did not do their share of duty and theirs is the lion's share.

The crimes took place in their jurisdiction and they did not take any pains to control the crimes. If they did their home work in crime control,

carefully investigated the earlier cases with the co-operation of the local police, the criminals would have been identified and then they could have

put pressure on the delinquent and his officers to arrange surveillance over the criminals and the crimes mentioned in the charge could possibly have

been averted. The appellate authority found that there is a Railway Intelligence Cell functioning in the C. I. D. which is responsible for taking action

against railway criminals. This Intelligence cell did not take proper action in the matter. They did not supply any list of criminals to the C. I. or O.

Cs at any stage. Furthermore, a meeting of the D. I. G. Burdwan Range was called on 19-7-1973 to discuss railway crime control measures in

respect of the crimes between Konnagore and Sheoraphully Railway Stations and in that meeting a team of three Inspectors were entrusted with

the work of taking special measures against railway crimes in the entire railway line from Konnagore railway station to Burdwan railway station.

The petitioner was not asked to attend this meeting. These circumstances, according to the appellate authority, extenuated his remissness to a very

great extent and the charge lost most of its seriousness on this alleged remissness. In this view of the matter, he only directed that the delinquent

should be reprimanded.

6. Mr. Banerjee, appearing for the petitioner, submitted firstly that under P. R. B. 337 the Police Superintendent has to order surveillance and in

this case there was no direction and accordingly the delinquent had no further responsibility in the matter. It appears that such directions are. only

necessary when there is a reasonable presumption that a particular person is an active criminal which requires closer supervision over him. This

regulation has no application where there are general reports of crimes which require police supervision and control for prevention and detection of

crime as enjoined under Regulation 189. Under Regulation 189 (n) the Circle Inspector in-charge of his Circle is required to pay particular

attention to the matter of surveillance of bad characters in order to ascertain that the right man is being looked after and shall satisfy himself, by

local enquiry whenever necessary, that all active criminals are under surveillance, and that the surveillance is effective and not merely nominal.

7. Under Regulation 580 (b), it is contended that the surveillance of bad characters shall remain with the district police and not with the Circle

Inspector. The administration of the police throughout the general police district under Regulation 7 includes a Circle Inspector and accordingly it

cannot be said that under Regulation 580 (b) that the Circle Officer had no duty for surveillance of bad characters because it remains with the

district police. On interpretation of the relevant regulation it appears that such duties of surveillance are enjoined on the Circle Officer within whose

jurisdiction bad characters in general are likely to move about. There is no case here that such surveillance as required under Regulations 189 (n)

and 580 (b) were performed by the petitioner.

8. Accordingly, I do not find any reason to interfere with the impugned order. The Rule accordingly fails and is discharged. There will be no order

as to costs. All interim orders are vacated.