



CHANDIGARH POLICE
OFFICE OF THE SENIOR SUPERINTENDENT OF POLICE, UT-CUM-SECOND
APPELLATE-AUTHORITY UNDER CRTS ACT, UT, CHANDIGARH

Subject : Petition No. 33 of 2023 titled as "Sh. Sachin Kumar Vs SHO PS Sector-34-cum-Designated Officer (under RTS Act) UT, Chandigarh".

Appeal Order No 0-09-14 /UT/RTSA/SSP/SAA dated : 25-10-2023

Name of Appellant : Sh. Sachin Kumar
R/o Sh. Banarsi Das Shiv Lal Main
Bazaar, Hansi, Hisar, Haryana
Mob.82954-32700

Concerned Designated Officer : SHO PS Sector 34

Concerned 1st Appellate Authority : SDPO/South

ORDER

This is an order on the complaint/petition dated 09.08.2023 filed by the petitioner Sh. Sachin Kumar before the Hon'ble Chandigarh Right to Service Commission, UT Chandigarh with the allegations that Police Department UT Chandigarh is not taking action on his complaint bearing No. PW2021-22204 dated 01.10.2021. The Hon'ble Commission taking "sou-moto" cognizance as per section 17(1)(b) of the Punjab Right to Service Act, 2011 as extended to UT Chandigarh vide order No. PS/CRTSC/2023/196 dated 25.08.2023 has referred the instant case to the undersigned in order to afford an opportunity to Designated Officer-cum-SHO PS Sector 34 for deciding the complaint of the petitioner in a time bound manner with the following directions :-

"...In order to afford another opportunity to the Station House Officer-cum-Designated Officer, (under the Right to Service Act), and also keeping in view the provisions of Section (17)(1)(b) of the Punjab Right to Service Act, 2011 as extended to the UT of Chandigarh, the case is referred to the Second Appellate Authority viz. Senior Superintendent of Police, UT Chandigarh for decision in the matter within a period of maximum 30 working days from the date of issuance of this order, failing which the Designated Officer will be liable for penal action under section 2(h) of the Punjab Right to Service (Amendment) Act, 2014 as extended to the UT of Chandigarh. Orders accordingly."

Thereafter, a reminder vide No. MS/CRTSC/2023/118 dated 11.10.2023 was also received to expedite the matter.

Comments of 1st Appellate Authority-cum-SDPO/South :-

Before proceeding further, comments of 1st Appellate Authority-cum-SDPO/South has been obtained who submitted that the matter pertains to a complaint bearing No. PW2021-22204 dated 01.10.2021 filed by the petitioner Sachin Kumar S/o Rishi Kumar R/o M/s Banarsi Dass, Shiv Lal Main Bazaar, Hansi, Distt. Hisar, Haryana against Sh. Brijesh Mittal and others which was received in his office on 05.10.2021 and further marked to SHO PS sector 34 for enquiry. Then on completion of enquiry proceedings, enquiry report alongwith all relevant documents was received in the office of the undersigned and the same was sent to senior officers for final decision on 12.09.2023.

Comments of I/C CRU, PHQ, Sector 09, Chandigarh :-

Thereafter, comments of CRU Branch, Police Headquarters, Sector 09, Chandigarh were obtained in the matter who submitted that complaint no. PW2021-22204 dated 01.10.2021 was received in his office and the same was again sent to the office of SDPO/South for further enquiry on 13.10.2023.

DECISION :-

I have gone through the complaint of the complainant, instant petition of the petitioner, comments of 1st Appellate Authority and I/C CRU vis-à-vis material available on record thoroughly which revealed that the petitioner had filed a complaint vide No. PW2021-22204 dated 01.10.2021 against Sh. Brijesh Mittal and others and SI Gurdev Singh of PS Sector 34, Chandigarh for destroying the evidence from the scene of crime i.e. mobile phone, laptop etc. and for lapses in the investigation of case FIR No. 523 dated 06.11.2015 u/s 306, 498 IPC & section 302 (added later on) registered in PS Sector 34, Chandigarh pertaining to the murder of his sister (Dr. Sakshi). He further alleged that Investigating Officer had concealed the material facts on record and also not deposited mobile phone/laptop and ornaments of the deceased recovered from her dead body rather he had handed over to these things to Sh. Brijesh Mittal who is relative of the accused person.

As per comments of 1st Appellate Authority-cum-SDPO/South dated 06.10.2023, the complaint in question was received in his office on 05.10.2021 and the same was sent to SHO PS Sector 34 for further enquiry. Then on completion of enquiry proceedings, enquiry report alongwith all relevant documents were received back in his office and the same were sent to senior officers for final decision on 12.09.2023.

Thereafter, I/C CRU Branch, Police Headquarters, Sector 09, Chandigarh vide his report submitted that complaint no. PW2021-22204 dated 01.10.2021 was received

in his office from SDPO/South and the same was again sent to the office of SDPO/South for further enquiry on 13.10.2023.

In view of above facts and circumstances, it is clear that complaint in question is still under enquiry and the same is yet to be finalized even after passing of two years. Moreover, 1st Appellate Authority-cum-SDPO/South has also submitted his comments in the matter after a gap of 01 month vide letter dated 06.10.2023 rather, he should have acted swiftly into the matter and sent his comments/report as soon as possible after taking necessary action on the complaint of the complainant.

Henceforth, Designated Officer-cum-SHO PS 34 as well as 1st Appellate Authority-cum-SDPO/South are hereby directed to look into the matter personally in accordance with law and complete the enquiry of the aforementioned complaint as expeditiously as possible in a time bound manner and submit the enquiry report before the undersigned for taking final decision in the matter. I/C CRU is also directed to expedite the matter on urgent basis and dispose off the pending complaints in a time bound manner.

They are further directed to remain careful in future and strictly adhere to the provisions of Right to Service Act and complete the enquiry into the complaints in a time bound manner as specified under Right to Service Act/Rules notified by Chandigarh Administration.

With these observations, instant petition dated 09.08.2023 as well as reminder dated 11.10.2023 are hereby disposed off accordingly.



(Kanwardeep Kaur, IPS)
Senior Superintendent of Police
Union Territory, Chandigarh-cum-
2nd Appellate Authority under RTSA.

Sh. Sachin Kumar
R/o Sh. Banarsi Das Shiv Lal Main Bazaar,
Hansi, Hisar, Haryana Mob.82954-32700
Copies to :-

- 1 The Hon'ble Chief Commissioner, Chandigarh Right to Service Commission, Nagar Yozana Bhawan, C-Wing, Sector 18 A, Madhya Marg, Chandigarh w.r.t. order No. PS/CRTSC/2023/196 dated 25.08.2023.
- 2 1st Appellate Authority-cum-SDPO/South
- 3 Designated Officer-cum-SHO PS 34
- 4 I/C CRU, PHQ
- 5 Computer Section