

*Gandhi Nagar Police Station*

## **Crime Unlimited**

*Torture, Extortion and Murder  
in the Custody of Delhi Police*

**People's Union for Democratic Rights  
Delhi  
July 1999**

On 30 May 1999, the body of Dinesh Kumar was brought dead to the Casualty Ward of Guru Tegh Bahadur hospital. The Medico-Legal Case (MLC) sheet at the hospital mentions consumption of Alphas, a rodenticide. Dinesh had been questioned by the police repeatedly for a month in connection with a case of kidnapping of a minor girl. On the fateful day, Dinesh was dragged by the hair and pulled into the street outside by three persons including two policemen. Barely 50 yards away family members found him lying unconscious on the ground some minutes later. No policeman has yet been accused of the crime. A PUDR fact finding team met family members and the police. Following is their account:

### FAMILY ACCOUNT

Twenty three year old Dinesh Kumar was a resident of Raghubarpura near Gandhi Nagar in East Delhi. He worked in a tyre puncture repair shop located in his house. His father too worked as a mechanic at his scooter repair shop close to the U.P. border on G.T. Road. Other members of the household

included a mother, and a younger sister and brother. Two of his sisters are married.

The first contact of the family with the police occurred on 30 April 1999. Three persons including two policemen from the Gandhi Nagar P.S. had come to the house in the evening looking for Dinesh. The mother, Krishna Rani, told the policemen that Dinesh was at their shop at the U.P. border and that his father was not in the town. On the promise that Dinesh would appear at the police station the next day, the policemen left. On 1 May Dinesh and his parents went to the police station. They were informed that Dinesh was accused in a case of kidnapping a minor girl. The SHO slapped Dinesh a few times and told another policeman, Sub Inspector Jagvinder Singh, who is the Investigation Officer in this case, to deliver a sound beating to Dinesh to make him confess. The parents were pushed out of the police station. After some time Jagvinder Singh came out and told them that it was a serious case and asked the parents what they wished to do. At this time a local politician, Tilak Sehgal, came there and was told by the parents that the police was beating Dinesh. Tilak Sehgal then went into the police station and reappeared with the message that the family pay Rs. 15,000 to secure Dinesh's release. They paid Rs. 10,000 and Dinesh was released.

Two days later the police again came to Dinesh's house around noon. He was taken to the police station for questioning and beaten there. Dinesh was in the police station till 1 a.m. This soon became a daily routine. Dinesh was detained at the police station for at least five hours daily on 4, 5, 6, 7 and 8 May. For the last three of these days, Dinesh was not even served the mandatory notices for questioning under S.160 Cr.P.C. It was during this time that SI Jagvinder gave to the family the name of the girl and told them to find out her whereabouts. Their findings revealed that the girl had been badly beaten at her house and had been shifted to some relatives place. This information was given to Jagvinder at the police station.

On 20 or 21 May the girl came back to her house. This made a big news in the mohalla. Dinesh along with other residents went to the police station and informed them of the same. But the girl's return did not ease the problems for Dinesh's family. Visits by policemen to demand money continued.

On 30 May, the girl's father, Ram Krishan came to Dinesh's house around 11 a.m. He proposed to Krishna Rani that they could arrive at a settlement if he was paid Rs. 15,000. Krishna Rani refused. He left with the threat that he would get Dinesh killed and that he was proceeding to the police station. Barely 20 minutes later two uniformed policemen, Head Constable Surendra Pal and

a constable, came to the house. Krishna Rani told them that Dinesh was in the shop at the house and they would get him to the police station once his father was contacted. The policemen threateningly told them that it would make little difference even if he came with the Prime Minister.

Krishna Rani was in a state of panic. She phoned her husband to realise that he had gone to make some purchases. Fifteen minutes later policemen came to the house and dragged Dinesh by the hair into the street and started beating him. Dinesh's nieces ran to their mother to tell her that policemen were beating their 'mama'. The sister tried to prevent the beating but failing, ran back to the house to inform her mother. Krishna Rani saw from the first floor that Jagvinder, Surendra Pal and the Ram Krishan were hitting Dinesh. By the time she reached the spot, Dinesh was lying listlessly on the ground. The assailants had vanished. However, Dinesh's aunt, Shanti Devi, claimed that she saw the assailants force some 'medicine' into Dinesh's mouth.

Parents took Dinesh to the hospital where he was recorded as 'brought dead'. Residents came out in large numbers against such brutal display of police lawlessness. Senior police officers came to the spot. A First Information Report was registered on the eyewitness account provided by Shanti Devi. The FIR registered however does not mention any named accused. The case was then handed over to the Crime Branch for investigation. The SHO of the police station and the Head Constable were transferred and the Sub Inspector suspended.

#### POLICE VERSION

The PUDR team met the new SHO of Gandhi Nagar P.S. who refused to provide any information about the case. The Inspector at the Crime Branch investigating the death of Dinesh did not deny that money may have been extorted from Dinesh's family. He also did not deny that Dinesh may have been beaten when he was called to the police station for questioning. He argued that the fear of the beating at the police station may have prompted Dinesh to commit suicide. Or else the persistent demands for money being made by Ram Krishan may have prompted it. His attitude indicated a determination to absolve the police even before the investigation is completed.

#### FINDINGS

The manner in which the investigation is being conducted by the Crime Branch leaves enough room for foul play. Firstly, the FIR was recorded only on the statement of Shanti Devi. Other witness accounts which identify the assailants, such as those of Dinesh's mother and sister, were not taken into

consideration. Thus the FIR was framed without naming any accused which in turn secured liberty for the criminals. Secondly, the FIR makes no mention of the extortion and beating and therefore the only charge levelled is that of murder. If extortion and beating were included, the accused would be easily identifiable. This 'lapse' again goes a long way in protecting the criminals. Thirdly, the evidence being collected by the Crime Branch is suspect. The PUDR team obtained one instance of it in the statement recorded from Dinesh's family. While the family provided a written account of the sequence of events and what they witnessed, the Crime Branch official recorded another account which the family was asked to sign without it being read out to them. The two accounts differ in important respects: the beating ordered by the SHO does not find mention, the Sub Inspector's name is missing from among those who dragged Dinesh out of the house. Lastly, Dinesh died in the custody of Delhi Police officials. The mandatory enquiry by the Sub Divisional Magistrate has not been conducted. Thus the single, though grossly insufficient, check to prevent the police to be the sole investigator of crimes committed by them has also been sidelined.

In the light of the facts presented above, the PUDR demands:

1. That the Sub Divisional Magistrate immediately conduct enquiry into the death, as demanded by established law.
2. That the investigation and prosecution on this case be taken away from the hands of the Delhi Police and handed over to an agency such as the CBI.
3. That a second FIR be recorded to include the information available from the witnesses and to take cognizance of other crimes such as extortion and criminal assault.
4. That compensation be paid to the family which has lost an earning member.

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