



Final Order

No. PCA/DDD/Case-10/2011/88

Date: 6/12/2012

- Applicant Name & Address** : Miss Sangitaben Nagindas Vedia
: Manizer Landstr. 501, 60326 Frankfurt an Main,
Germany
- Complaint Registration Date** : 30th March 2012
- Complaint About** : 1. Falsely implicating her brother Shri Rajesh N. Vedia for the offence punishable under Section 306 r/w Section 34 of IPC.
: 2. Illegal arrest of her sister Smt. Chetnaben J. Solanki.
: 3. Delay in filling of charge sheet after the laps of 2 years and 6 months.
- Complaint Against** : 1. Shri Sebastian Devasia, Police Inspector, Nani Daman Police Station.
: 2. Shri Ramji N. Solanki, Police Sub Inspector, Nani Daman Police Station.
: 3. Shri Navnit V. Damania, Driver, Nani Daman Police Station.

Statements Recorded by the Authority :

1. 30TH March 2012 Miss. Sangitaben Nagindas Vedia
2. 04TH April 2012 Smt. Kokilaben Babubhai Palaniya
3. 04TH April 2012 Shri Jatinbhai Manilalbhai Solanki
4. 04TH April 2012 Smt. Chetnaben Jatinbhai Solanki
5. 17TH April 2012 }
10TH July 2012 } Shri Ramji Naran Solanki, Investigating Officer
21ST September 2012 }
6. 16TH July 2012 }
21ST September 2012 } Shri Sebastian Devasia, Police Inspector



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Summary of Statements recorded by the authority :

1. :
 - i. The grievances of Miss. Sangitaben N. Vedia is for falsely implicating her brother Shri Rajesh N. Vedia for the offence punishable under Section 306 r/w Section 34 of IPC, Illegal arrest of her sister Smt. Chetnaben J. Solanki and filling of charge sheet after the laps of 2 years and 6 months.
 - ii. Court marriage of Shri Rajesh N. Vedia brother of Miss Sangita Vedia and Harshila Damania arranged on 03/08/2007 and religious marriage ceremony was performed on 06/08/2007.
 - iii. After marriage ceremony they went to Shridi for 2-3 days and only for seven days Shri Rajesh Vedia and Smt. Harshila Vedia stayed together. On 14/08/2007 Shri Rajesh Vedia went back to Germany and Smt. Harshila went to his father's house at Daman.
 - iv. The relation between Shri Rajesh Vedia and Smt. Harshila Vedia were strained and had their last telephonic conversation on 13/04/2008 when Smt. Harshila Vedia terminated the marital relationship.
 - v. Shri Vishnubhai F. Damania had threatened Shri Rajesh N. Vedia and his father Shri Nagindas C. Vedia.
 - vi. During the brief stay in India between 02/10/2008 to 24/10/2008 there was no contact between Shri Rajesh Vedia and Smt. Harshila Vedia.
 - vii. On 23/10/2008 Smt. Chetnaben J. Solanki sister of Miss. Sangitaben Vedia came to know from Daman Police and Surat Police that Smt. Harshila Vedia had committed suicide and asked for the direction for the custody of dead body of Smt. Harshila Vedia for the last rites.
 - viii. Shri Vishnubhai Damania and Shri Navneet Damania used their political power and influence and with PSI Ramji Solanki implicated her brother Shri Rajesh Vedia under the false charges of Section 306 r/w Section 34 of IPC.
 - ix. SHO Sebastian Devasia had illegally issued Look Out Circular without issuing any summons, legal process and verification against Shri Rajesh Vedia.
 - x. Investigating Officer Shri Ramji Solanki had not put any efforts to find out the truth and acted as an instrument and at the instance of Shri Vishnubhai Damania and Shri Navneet Damania.
 - xi. Before filling the charge sheet, police had deliberately not gave any opportunity to put facts on record about Shri Rajesh Vedia, Smt. Chetnaben



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Solanki and acted illegally under political pressure.

2. :
 - i. Smt Kokilaben Babubhai Palania in her statement before the authority stated that Police had falsely implicated Shri Rajesh Vedia and Smt. Chetnaben Solanki in a suicide case.
 - ii. After the marriage Shri Rajesh and Smt. Harshila stayed for 10 days during which they visit the Shirdi and thereafter Smt. Harshila did not stayed at Surat till her death.

3. :
 - i. Shri Jatinbhai Solanki in his statement before the authority stated that her wife Smt. Chetnaben Solanki was arrested by Daman Police on 17/12/2008 from the Surat when he was not present at home.
 - ii. PSI Ramji Solanki told them that Mrs. Chetnaben Solanki will be free once the recorded here statement at Daman Police Station.
 - iii. At about 01:30 PM on 17/12/2008 they reached at the Daman Police Station and she made to seat till 06:00 PM without any interrogation and she was taken in to the Police Station prison and the signatures of Shri Jatin Solanki and Smt. Chetnaben Solanki were taken on blank papers.
 - iv. Smt. Chetnaben Solanki was kept in Jail for 12 days and released on bail by court with a condition to appear before the Daman Police every fortnight.
 - v. On first attendance at Daman Police Station PSI Ramji Solanki asked to produce the passport of her daughter Miss Hemali J. Solanki and when they produced the same PSI Ramji Solanki refused to accept it to harass them on the ground of non production of Passport.
 - vi. To avoid legal complications Smt. Chetnaben Solanki produced the passport of her daughter before the Chief Judicial Magistrate of Daman.

4. :
 - i. The grievances of Smt. Chetnaben J. Solanki against police is that they had acted in connivance with the complaint and file a false case against her and her brother Rajesh to harass them and did not file the charge sheet to harass her brother Rajesh under the guise of LOC.
 - ii. The marriage of Shri Rajesh and Smt. Harshila took place in Daman Court on 03/08/2007 and religious marriage ceremony was performed on 06/08/2007. Both were stayed together for about 7 nights and 6 days. They spent 2 days at Surat and 4 days at Shirdi. On 15/08/2007 Shri Rajesh went back to the Germany.
 - iii. During the absence of Shri Rajesh Vedia, Smt. Harshila never stayed at Surat



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- and she only came to collect money from them for filling and obtaining VISA for Germany.
- iv. When Shri Nagindas C. Vedia was sick, Smt. Harshila did not go to Surat to see him and refuse to come to Surat.
 - v. Smt. Chetnaben Solanki is having two children, daughter name Hemali is aged about 23 years and her DOB is 15/01/1987 and son name Himanshu aged 21 years.
 - vi. Smt. Chetnaben Solanki told that she had not been in any contact with Mrs. Harshila prior to her suicide and denied the allegations against her in FIR No. M/17/2008 that she had pressurized and caused mental torture to Mrs. Harshial to take her daughter Miss Hemali Solanki in place of Harshila's daughter Miss Jinali.
 - vii. Smt. Chetnaben Solanki stated that on 23/10/2008 at about 05:00 PM she received a phone call from the Rander Police Station that Smt. Harshial had committed suicide and she should contact Daman Police Station.
 - viii. Smt. Chetnaben Solanki stated that on 23/10/2012 at about 12:00 PM PSI Ramji Solanki with other five police men came to her resident at Surat and inquired about the funeral of dead body of Smt. Harshila and took her written statement.
 - ix. Smt. Chetnaben Solanki further stated that PSI Ramji Solanki also interrogated her about every details of marriage of Shri Rajesh and Mrs. Harshial and took her written statement of two pages which bears her signature.
 - x. Smt. Chetnaben Solanki stated that on 17/12/2008, she was arrested by Daman Police Station from her resident at Surat in presence of Adajan Police.
5. :
- i. PSI Ramji Solanki on 17/04/2012 in his statement given before the authority stated that the Superintendent of Police, Daman had made an endorsement that "is it require" on the summons of PCA date 30/03/2012.
 - ii. PSI Ramji Solanki further stated that PI Sebastian Devasia directed him to ask the authority that on what ground the inquiry is being conducted and after getting the response from the authority we will take the decision that whether the document asked by the authority are to be given or not.
 - iii. PSI Ramji Solanki had submitted the copies of correspondence between him and his superior officers.
 - iv. PSI Ramji Solanki on 17/04/2012 in his statement given before the



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authority stated that ON 23/10/2008 at 02:00 PM he received a telephonic message from the Govt. Hospital Marvad, Nani Daman regarding suicide committed by Smt. Harshila R. Vedia.

- v. PSI Ramji Solanki stated that the statements of Shri Vishnubhai Damania, Smt. Ushaben Damania and Shri Navneet Damania were recorded by him on 24/10/2008.
- vi. PSI Ramji Solanki stated that he had thoroughly checked the room on 23/10/2008 at 03:45 PM where Smt. Harshial Vedia had committed suicide and no suicide note was found on that day.
- vii. PSI Ramji Solanki stated that Shri Vishnubhai Damania had submitted a written complaint in Nani Daman Police Station and the same was marked to him without any direction hence no investigation was carried out.
- viii. PSI Ramji Solanki stated that as per the direction of the court on 03/11/2008 the case was registered against Shri Rajesh Vedia and Smt. Chetnaben Solanki and investigation was started.
- ix. PSI Ramji Solanki stated that no date and no names were mentioned in the suicide note of Smt. Harshila Vedia. Smt. Chetnaben Solanki was arrested on 17/12/2008.
- x. PSI Ramji Solanki admitted that the investigation of this case was started on 04/11/2008 and completed on 18/12/2008, but no action was taken by him after 18/12/2008 due to daily routine works.
- xi. PSI Ramji Solanki stated that that many time in Crime Review Meeting, he explained that no further evidence was coming forth from the complainant side and there was no independent witness was there as stated by Shri Vishnubhai Damania.
- xii. PSI Ramji Solanki stated that he had made the efforts to take the statements of neighbors but no one came to record their statements.
- xiii. PSI Ramji Solanki stated that I discussed the matter to arrest Shri Rajesh Vedia with Shri Sebastian Devasia and he guided me to issue Look Out Circular. Proforma of LOC was sent to the Airport Authority of Mumbai which was returned back within one month on account of approval of Superintendent of Police.
- xiv. PSI Ramji Solanki stated that the papers of opining of LOC and rejection letter of Airport Authority, Mumbai are misplaced and the same could not be found.
- xv. PSI Ramji Solanki stated that the statement dated 24/10/2012 of Shri



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Vishnubhai Damania was recorded by Constable Harish where it is mentioned that on 26/10/2012 suicide note is found from the purse below the makeup box and he was unable to explain the same.

- xvi. PSI Ramji Solanki stated that the copies of all the case diaries of AD No. 65/08 and FIR No. M/17/2008 was submitted to the office of the Chief of Police through In-Charge Police Station, Daman duly registered under Outward Register.
 - xvii. PSI Ramji Solanki stated that on 23/10/2008 Buckel No. 188 Shri Ratilal gone to the Surat unofficially in a private car to inquire about the possession of the dead body of Mrs. Harshila and he also recorded the statement of Smt. Chetnaben Solanki.
 - xviii. PSI Ramji Solanki denied that he did not requisition or procured the passport of Miss Hemali Solanki daughter of Smt. Chetnaben Solanki.
 - xix. PSI Ramji Solanki had admitted that he had not done any investigation for allegation that Smt. Chetnaben Solanki was pressurizing Mrs. Harshila that she had to take Miss Hemali Solanki instead of Miss Jinali to the Germany and did not investigated regarding the age difference of both the girls.
 - xx. PSI Ramji Solanki had also admitted that he had not recorded the statements of neighbors as per the instruction of Shri Vishnubhai Damania.
 - xxi. PSI Ramji Solanki denied the allegation that deliberately he had not done any substantial investigation and did not file the charge sheet till 08/04/2011 to harass the accused.
 - xxii. PSI Ramji Solanki stated that his superior Shri Sebastian Devasia directed him to file charge sheet against the accused as per the direction of court.
6. : i. PI Sebastian Devsia denied all the allegations of Miss Sangitaben Vedia in his statement recorded on 16/07/2012 by the authority. He stated that police acted as per the directions of the Hon'ble Court and as per the Court's order they had arrested Smt. Chetnaben Vedia and had filed the chargesheet.
- ii. PI Sebastian stated that since the Shri Rajesh Vedia never came to India, did not approach the Police and his statement also not recorded, hence police not able to file the charge sheet before the Court.
 - iii. PI Sebastian stated that before filling the complaint in the Court, Shri Vishnubhai Damania came to the police to lodge the complaint with suicide note of Mrs. Harshila.
 - iv. PI Sebastian further stated that he did not find any concrete substance in the allegations of Shri Vishnubhai Damania, hence police had not registered any



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- complaint.
- v. PI Sebastian stated that they had shown the suicide note of Mrs. Harshila to Smt. Chetnaben Solanki and she did not have any doubt regarding handwriting, hence they had not verified the suicide note from the handwriting expert.
 - vi. PI Sebastian admitted that he did not know the procedure for opening of Look Out Circular (LOC), so he had sent the Proforma of LOC in his signature to the Airport Authority of Mumbai but the same was return due to non approval of Superintendent of Police.
 - vii. PI Sebastian admitted in the statement recorded by the Authority on 21/09/2012 that the investigation of Case No. M/17/2008 was conducted under his supervision, guidance and control by the Investigation Officer Ramji Solanki.
 - viii. PI Sebastian stated that on 23/10/2008 he deputed ASI Ramji Solanki along with two staff to record the statement of Shri Rajesh Vedia at Surat under AD No. 65/2008 and recorded the statement of Smt. Chetnaben J. Solanki.
 - ix. PI Sebastian admitted that he had not directed IO to issue summons to Shri Rajesh Vedia by registered post at Germany but message was sent through her sister Smt. Chetnaben J. Solanki to appear before the police.
 - x. PI Sebastian admitted that on the basis of suicide note, an allegation against Shri Rajesh Vedia and Smt. Chetnaben Solanki does not have any corroboration.
 - xi. PI Sebastian admitted that there was a lacuna in the investigation and he accepted the responsibility as Supervising Officer.

Facts immerging from the statements and documentary evidence:

- a) In Statement of Shri Vishnubhai Damania recorded by IO Ramji Solanki dated 24/10/2008, he stated that suicide note of Harshila was found on 26/10/2008. It is not possible for Shri Visnubhai in his statement recorded on 24/10/2008 that suicide note was found on 26/10/2008. This shows that statement was not recorded on 24/10/2008.
- b) PI Sebastian Devasia stated that he deputed PSI Ramji Solanki along with two staff to record the statement of Shri Rajesh N. Vedia at Surat under AD No. 65/PSI but Ramji Solanki denied that he did not went to the Surat on 23/10/2008 and he recorded the statement of Smt. Chetnaben J. Solanki.
- c) It is established that PSI Ramji solanki conducted the investigation as per desire of



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Shri Vishnubhai Damania.

- d) During the physical verification of case diaries sent to the Chief of Police by IO Ramji Solanki, neither case diaries were found nor any inward entry found in Inward Register of COP Office.
- e) No record about the proposal of opening of Look Out Circular and approved by PI Sebastian is maintained. The Original Look Out Circular, which was returned from the Mumbai Air Port Authority is misplaced and the supervising officer did not bother to take the Look Out Circular to its logical conclusion.
- f) PI Sebastian failed and neglected to see that the IO Ramji Solanki to issue summons or warrant against Shri Rajesh Vedia before opening of Look Out Circular. There is nothing on the records to suggest that efforts were made by the IO to secure the presence of Shri Rajesh Vedia during the investigation or before filling absconding Charge Sheet. PI Sebastian did not obtain the prior approval of Superintendent of Police for opening the Look Out Circular against Shri Rajesh Vedia.
- g) No investigation what so ever is made by the Investigating Officer to verify the allegations against Smt. Chetnaben Solanki and Shri Rajesh Vedia of impersonation of Miss Hemali as Miss Jinali to send her to the Germany and undue pressure and torture of deceased Harshila. This allegation being the bone of contention to bring home the guilt for the offence U/s 306 r/w Section 34 of IPC. PI Sebastian failed and neglected to cause an honest investigation in the above allegation.
- h) PI Sebastian though satisfied up to the investigation that no ingredient for the offence U/s 306 is made out, he took the exception of the Court direction "to file Charge Sheet" and attempted to justify the arrest of Smt. Chetnaben Solanki and filling of Charge Sheet.

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This complaint throws light of plight on Indian origin German citizen Shri Rajeshbhai N. Vedia and her sister Smt. Chetnaben J. Solanki having been framed for the offence punishable U/s 306 r/w Section 34 of IPC. It is alleged by the complainant that Investigating Officer Ramji N. Solanki in collusion with Police Inspector Sebastian Devasia carried out shoddy investigation at the behest of Shri Vishnubhai F. Damania and Shri Navneet V. Damania to frame in a criminal offence. It is further alleged that though the Investigating Officer had the copy of the passport of Shri Rajeshbhai N. Vedia with his complete address of Germany, her brother was never issued with the summons



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of a warrant and without following due procedure, Look Out Circular was issued against Shri Rajeshhai N. Vedia without obtaining permission from the competent authority to harrash him under the pressure of Shri Vishnubhai F. Damania. It is further alleged that the investigation of the case was competed in the month of December 2008 the charge sheet was deliberately not filed till 8th April 2011 and grossly delayed. It is further alleged that Smt. Chetnaben J. Solanki was falsely implicated and framed for the offence abetment of suicide and was illegally arrested on 17th December 2008 by PSI Ramji Solanki.

The factual aspects which are necessary for the determination of this inquiry and which are not in dispute between the parties may be summarized as follows:

1. Shri Rajeshbhai Vedia and Harshila V. Damania both are having one child through their respective previous marriage came in to contact for the second marriage through the advertisement in the year 2007. The marriage between them performed on 06/08/2007, duly registered at Moti Daman. Both of stayed together during the pilgrimage of Shirdi and thereafter Shri Rajesh left for Germany.
2. The relation between both the families became strain and on 21/10/2008 members of mahyavanshi community came from the Surat to meet Shri Vishnubhai Damania to facilitate the divorce between two.
3. Smt. Harshila committed suicide on 23/10/2008 at the residential house of Shri Vishnubhai Damani at Nani Daman by hanging herself.
4. Nani Daman police registered offence of accidental death being AD No. 65/2008 and Shri Ramji N. Solanki under took the investigation U/s 174 of Cr. PC.
5. IO Ramji Solanki along with five Police personnel were sent to Surat on 23/10/2008 at the residence of Shri Rajeshbhai Vedia and statement of Smt. Chetnaben Solanki came to be recorded to the effect of where about of Shri Rajesh Vedia and disposal of dead body of Smt. Harshila.
6. Shri Vishnubahi Damania approached PI Sebastian Devasia of Nani Daman Police Station with a complaint against Shri Rajesh Vedia together with the suicide note of late Smt. Harshila. PI Sebastian Devasia after examining the suicide note came to the conclusion that there is no prima facia case made out against Shri Rajesh Vedia and Smt. Chetnaben Solnaki and refused to register the crime for the want of concrete substance in the allegation.
7. Shri Vishnubhai Damaia lodge a complaint before the Chief Judicial Magistrate



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Daman which was registered as by the Court as RCC No. 75/2008 and Court passed the following order.

"The PI Nani Daman is directed to registered the crime against the accused complete the investigation and file the Charge Sheet to the court in compliance of order U/s 156 (3) of Cr. PC". This order was passed on 03/11/2008.

8. Nani Daman Police Station registered an FIR on 14/11/2008 being M/17/2008 and the investigation was taken over by none other but Shri Ramji Solanki, who had been investigating AD No. 65/2008.
9. As per the case diary 1, 2, 3, 4 and 5 the investigation had been completed way back on 18/12/2008. Smt. Chetnaben Solanki was arrested on 17/12/2008, PSI asked for the remand of Smt. Chetnaben which was refused by the court.
10. PI Sebastian Devasia issued Look Out Circular against Shri Rajesh Vedia and send to the concerned authorities vide outward no 3845 dated 28/10/2009.
11. ASI Ramji Solanki had filed a charge sheet no. 19/2011/M on 08/04/2011 in the Court of Chief Judicial Magistrate, Daman against Smt. Chetnaben Solanki and declaring Shri Rajesh Vedia as absconding accused only after persistent follow up by Sangita Vedia to the various authorities including the Home Ministry.

The point for consideration is whether PI Sebastian Devasia and PSI Ramji Solanki are guilty of any serious misconduct or misconduct as stipulated under the Notification No. 1/95/Home/2011-12/418 dated 10/08/2011. As per the definition under the Notification "Serious Misconduct" shall mean any act of omission of the Police Officer that leads to or amounts to:

- a)
- b)
- c)
- d)
- e)
- f)
- g) Any incident involving serous abuse of authority

After considering the statements of the complainant, witness and police personnel PI Sebastian Devasia and PSI Ramji Solanki and the documentary evidence produced on record, I have came to the conclusion that the both the police personnel are guilty of serious abuse of authority for the following reasons:



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- a) PSI Ramji Solanki who had conducted the investigation in to AD No. 65/2008 from 23/10/2008 had completed the investigation by 30/10/2008 as per the Case Diary No. 4 dated 30/10/2008. Exhibit no. 42. On 23/10/2008 there was no complaint or crime registered against Shri Rajesh Veida and Smt. Chetnaben Solanki in Nani Daman Police Station. Therefore neither Rajesh Veida nor Smt. Chetnaben Solanki was accused in any crime registered at Nani Daman Police Station. However PSI Ramji Solanki along with five constables proceeded to the Surat beyond his territorial jurisdiction under the guise of informing the death of Smt. Harshila to Shri Rajesh Vedia and disposal of the dead body. Shri Ramji Solanki in his statement recorded before the authority on 21/09/2012 has flatly denied having gone to Surat on 23/10/2008, he had further denied having recorded the statement of Smt. Chetnaben Solanki on 23/10/2008. However the statement of Smt. Chetnaben Solanki recorded on 22/10/2008 "?" recorded at Thakurdwar Society, Room No. 37-38, Surat bears the signature of PSI Ramji Solanki certifying that the statement was recorded in his presence. PSI Ramji Solanki admitted his signature but flatly disowned the signature of Smt. Chetnaben Solanki. He devised the story that PI Sebastian Devasia had deputed PC Ratilal buckle No. 188 to recorded the statement of Smt. Chetnaben Solanki and also prepared a false record in his case diary number 1 dated 23/10/2008 to the effect that one police constable Shri Ratilal buckle no. 188 and PC Harilal were sent to Surat to inform the death of Smt. Harshila. In the same case diary number 1 that Smt. Chetnaben Solanki was telephonically informed about the death of Smt. Harshila at about 06:30 PM on 23/10/2008. Just contradictory to the statement of PSI Ramji Solanki, it is a statement of PI Sebastian Devasia that he had deputed ASI Ramji Solanki along with two staff to Surat to record the statement of Shri Rajesh Vedia. Shri Sebastian further statement the ASI Ramji Solanki had recorded the statement of Smt. Chetnaben Solanki at Surat on 23/10/2012. Considering the contradictory statement of both the police personnel, the statement of Smt. Chetnaben Solanki has to be believed to the effect "At about 12:00 PM on 23/10/2008 Police Sub Inspector along with other five police men had came to my resident at Surat. PSI Ramji Solanki asked me as who would do the funeral of the dead body of Harshila. I had given a written statement that the father of Harshila can do the funeral of Harshila. PSI Ramji Solanki also interrogated me executively about every details of the marriage between Rajesh and Harshia and subsequent events. All my answers to the interrogation were recorded by PSI Ramji Solanki. My statement was speared



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over two pages and its bear my signature." Therefore I hold that PSI Ramji Solanki made a false statement on oath before the authority and created a false record concealing his movement from Daman to Surat and recording a statement of Smt. Chetnaben Solanki by him at Surat under his case diary number 1 dated 23/10/2008.

- b) One of the glaring fact which energies form this shoddy investigation that except the statement of interested personnel namely Shri Vishnubhai F. Damania, Smt. Ushaben V. Damania and Shri Navneet V. Damania there is no independent evidence or a corroborative evidence for the prosecution for the offence U/s 306 r/w Section 34 of IPC. Further the suicide note allegedly written by deceased Harshila neither specifically implicate Shri Rajesh Vedia nor Smt. Chetnaben Solanki. The suicide note being the most important and valuable piece of evidence is more reliable than the statement of interested persons. Therefore, I hold that the investigation of the case carried out by PSI Ramji Solanki under direct supervision of PI Sebastian Devasia is not only shoddy but very much partisan and biased against the accused.
- c) The most glaring facet of this shoddy investigation is from the fact that as per the version of the interested person, Smt. Chetnaben Solanki was pressurizing Smt. Harshila to take along with her Miss Hemali Solanki instead of her own daughter Miss Jinali by impersonation. It is further alleged that Shri Rajesh Vedia was also pressuring Smt. Harshila to bring along with her Miss Hemali Solanki, daughter of Smt. Chetnaben Solanki instead of her own daughter Miss Jinali. To substantiate or negate this allegation there is no investigation what so ever carried out by the Investigating Officer Ramji Solanki. This is the main allegation on account of which deceased Harshila is alleged to have driven to committee suicide. On this point the PI Sebastian Devasia is equally responsible for such kind of shoddy investigation under his direct supervision. As per the version of PSI Ramji Solanki it appears that the entire investigation was carried out as per the desire of Shri Vishnubhai Damania, who controlled the entire investigation. In breadth PSI Ramji Solanki stated that he made efforts to take the statements of neighbors but no one came to record the statement and in the next breadth he stated that he had not recorded the statement of neighbors as per the instruction of Shri Vishnubhai Damania.
- d) PSI Ramji Solanki in his statement dated 21/10/2012 had stated that he had suggested to his superior that since there was no independent witness in this case and therefore report under Section 169 of Cr. PC be filed. He further stated



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that his superior PI Sebastian Devasia directed him to file the Charge Sheet as Court of Chief Judicial Magistrate had directed to do so. This fact itself suggests that in spite of there being no sufficient evidence to prosecute the accused for the offence punishable U/s 306 r/w Section 34 of IPC, charge sheet came to be filed.

- e) PI Sebastian Devasia and immediate superior of PSI Ramji Solanki did not discharge his obligation to efficiently supervise and guide the investigation in fair and transparent manner. In his statement before authority PI Sebastian Devasia had blame the order of Chief Judicial Magistrate dated 04/11/2008 directing PI to register the crime, complete the investigation and file the Charge Sheet to the court. He takes a shelter on the ground of direction of the court to file a charge sheet and also justify the arrest of Smt. Chetnaben Solanki on that count. It appears that PI Sebastian Devasia playing with the words used by the court while passing the order. It is well-known fact to everybody among the police officer that the court does not have the power to direct filling of charge sheet while passing an order U/s 156 (3) of Cr. PC. The distinction between the Charge Sheet and the report is very much apparent and the Police personnel are very much conversant with the provision of the law.
- f) Both the Police personnel, for the reasons best known to them did not put any efforts what so ever to secure the presence of Shri Rajesh Vedia during the investigation and before the filling of Charge Sheet. Both the Police personnel did not issued any summons or an arrest warrant against Shri Rajesh Vedia before adopting Look Out Circular. PI Sebastian Devasia acted beyond his authority to issue a Look Out Circular against Shri Rajesh Vedia in violation of procedure for issue of Look Out Circular, which prescribed prior approval of Superintendent of Police.
- g) Both the officer are responsible for the gross delay in filling report U/s 173 of Cr. PC in spite of the fact that the investigation was practically over on 18/12/2008. The Charge Sheet against the accused came to be filed in the Court of Chief Judicial Magistrate, Daman only on 08/04/2011 and there is no explanation forthcoming from the Police personnel for the gross delay.
- h) The Investigating Officer was inclined to file a report U/s 169 of Cr. PC however PI Sebastian Devasia directed IO to file Charge Sheet against the accused.
- i) Shri Navneet Damania who happens to be the son of Shri Vishnubhai Damania and brother of Harshila, he also happens to be Police Constable serving with the Daman Police. The allegation against him is on the basis of an interested person



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being Police personnel. A person simply because of a member of Police personnel cannot be held responsible for the shoddy investigation and in particular without any cogent and reliable evidence. Therefore the allegation against Navneet Damania is not proved and no action is proposed against him.

Directions:

- 1) The Inspector General of Police, Daman & Diu and Dadra & Nagar Haveli is directed to cause departmental inquiry against both the Police Officer through the officer not below the rank of Superintendent of Police for the allegation of serious misuse of authority and causing motivated and shoddy investigation. The departmental inquiry is completed within three months and finding of such inquiry, an action taken report be submitted to the authority.
- 2) The inquiry officer is directed to submit fortnightly report to the authority regarding the progress of the inquiry.

Date: 04/12/2012

Place: Secretariat, Silvassa

S. M. Parmar

Chairperson

Police Complaint Authority
Daman & Diu and Dadra & Nagar Haveli
Silvassa