



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

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FULL BENCH
AMB/Suo Moto Case No.– 4848/13/23/2026
c/w. Suo Moto Case No. 4774/13/23/2026

Name of the Complainant : Suo moto on the motion of the Commission

Name of Respondent :1 The Chief Secretary
State of Maharashtra
Mantralaya, Mumbai

2 The Director General of Police (M.S)
Mumbai

3 The Commissioner of Police
Pune

4 Shri. Amitesh Kumar
Commissioner of Police, Pune

5 The Dy. Commissioner of Police
Zone – II, Pune

6 Shri. Milind Mohite
Dy. Commissioner of Police,
Zone – II, Pune

7 The Sr. Police Inspector
Bharti Vidyapeeth Police Station, Pune

8 Shri. Mansingh Patil
Sr. Police Inspector
Bharti Vidyapeeth Police Station, Pune

Date : **9th September 2026**

Coram : **Justice A. M. Badar, Chairperson**
Mrs. Justice Swapna Joshi, Member
Shri. Sanjay Kumar, Member

ORDER OF INTERIM RECOMMENDATION UNDER SECTION18(c)
OF THE PROTECTION OF HUMAN RIGHTS ACT, 1993

1. As the Maharashtra State Human Rights Commission noticed video clips circulating on social media platforms showing that young persons were being publicly paraded from streets of Pune by tying them on bonnet of Police vehicle, some persons

- were compelled to kneel down and to walk on their knees with folded hands while they were being assaulted by batons by Policemen in the plain clothes and in uniform at public places of Pune. A Full Bench of the Commission came to be constituted for deciding further course of action to be taken in the matter. That is how vide order dated 03.08.2026, the instant complaint bearing No. 4848/13/23/2026 came to be registered upon due deliberations with further direction to call for action taken reports from the Respondents viz., the Chief Secretary, State of Maharashtra, Mumbai and the Director General of Police, State of Maharashtra, Mumbai. Similarly, notices were issued pursuant to provisions of Section 16 of the Protection of Human Rights Act, 1993 to S/Shri. Amitesh Kumar, Commissioner of Police, Pune, Milind Mohite, Dy. Commissioner of Police, Zone – II and Mansingh Patil, Senior Police Inspector, Bharti Vidyapeeth Police Station, Pune. Preliminary fact finding inquiry was also ordered to be conducted by the committee comprising of S/Shri. Dattataraya Karale, Spl. Inspector General of Police, Vishwas Pandhare, Superintendent of Police and Shri. Vijay Kedar, Registrar of Maharashtra State Human Rights Commission.
2. The identical matter bearing complaint no. 4774/13/23/2026 is also directed to be tagged with the main matter and in both cases, notice was made returnable on 20.08.2026.
 3. On 20.08.2026, Shri. Amitesh Kumar, Commissioner of Police, Pune and Shri. Milind Mohite, Dy. Commissioner of Police, Zone – II, Pune filed their replies on affidavit. We have

carefully perused those replies and annexures to the reply of Shri. Amitesh Kumar, Commissioner of Police, Pune. Reply of Shri. Amitesh Kumar, Commissioner of Police, Pune candidly shows that he became aware about the incident of Children in Conflict with Law (hereinafter referred to as CCL) being publicly paraded from the streets of Pune by tying them on Police vehicle by Police from Bharti Vidyapeeth Police Station, Pune, on 21.07.2026 itself through the widely circulated video clips on social media. (See office order of Commissioner of Police Pune dated 21.07.2026 Annexure A to reply affidavit of Shri. Amitesh Kumar Commissioner of Police, Pune directing conduct of inquiry of this incident by Dy. Commissioner of Police, Zone – II, Pune). This incident of public parading had in fact happened on 21.07.2026 itself. Though the reply of Shri. Amitesh Kumar Commissioner of Police, Pune shows that he has received the report of inquiry conducted by Dy. Commissioner of Police, Zone – II, Pune in respect of this incident of 21.07.2026, that report is not placed on our record by him. Reply of Shri. Amitesh Kumar Commissioner of Police, Pune further shows that S/Shri. Mansingh Patil, Senior Police Inspector and Ganesh Mohite, Asst. Police Inspector of Bharti Vidyapeeth Police Station, Pune are transferred vide order dated 05.08.2026 and on 12.08.2026, show cause notice came to be issued to both of them asking them to show cause as to why their two increments should not be stopped for one year without having effect on their future increments. That show cause notice in

clear terms levels misconduct of subjecting the 'Accused' (आरोपी) to cruelty, illegal and wrongful detention of CCL in Bharti Vidyapeeth Police Station, Pune beyond the prescribed time frame. Unfortunately, Shri. Amitesh Kumar Commissioner of Police, Pune has described CCL as 'Accused' (आरोपी) in this show cause notice ignoring the mandate of Juvenile Justice (Care and Protection Act), 2015 (hereinafter referred to as JJ Act for the sake of brevity). This show cause notice dated 12.08.2026 is a result of report of inquiry conducted vide order dated 21.07.2026 of Shri. Amitesh Kumar Commissioner of Police, Pune which shows that he was fully aware of the video clips showing public parading of persons by Police by tying them on Police vehicle on 21.07.2026 itself. Thus, what is referred as 'cruel treatment' to the accused is logically referable to this act of public parading of CCL by tying them on bonnet of Police vehicle on 21.07.2026. With this, Shri. Amitesh Kumar Commissioner of Police, Pune has contended in his affidavit in reply that administrative action of transferring the concerned Police Officers is already taken and disciplinary proceedings of withholding increments is being processed and a suitable order be passed. The reply affidavit further contains averments regarding intended sensitization programmes to be conducted to train Police in protecting human rights. Thus, reply affidavit of Shri. Amitesh Kumar Commissioner of Police, Pune is clear to the point that this topmost Police officer heading Pune Police force has not

found any degree of criminality in the subject incident nor did he desire to take any penal action against the culprits Police Officials by registering the FIR to set the Criminal Law in motion. The affidavit further shows that Shri. Amitesh Kumar Commissioner of Police, Pune was having knowledge of the incident of apprehending CCL and their public parading by tying on Police vehicle on 21.07.2026 itself when that incident took place within his territorial jurisdiction. Those four CCL with four more CCL, despite this knowledge of incident on 21.07.2026 itself to the Commissioner of Police, Pune, continued to be under wrongful detention of the Bharti Vidyapeeth Police Station, Pune till late hours of 24.07.2026 without their production before the Juvenile Justice Board, Pune, as seen from the report of fact finding inquiry of the Committee of this Commission.

4. Reply affidavit of Shri. Milind Mohite, Dy. Commissioner of Police, Zone – II is confined to adherence of order dated 21.07.2026 of Shri. Amitesh Kumar, Commissioner of Police, Pune for conducting inquiry into the incident dated 21.07.2026 itself in which three CCL were publicly paraded by tying them on the Police vehicle by Bharti Vidyapeeth Police Station, Pune. In his reply he has stated thus –

“I examined the available video clips, statements of the concerned police personnel and other material related to the incident”

This all formed the material for submitting report of inquiry by him to the Commissioner of Police, Pune. This reply

affidavit as such candidly shows that one sided inquiry of the incident dated 21.07.2026 of tying the CCL was conducted by this officer. He has not recorded statements of actual victims of this offence viz. CCL No. 1, 3 and 4 as well as that of CCL No.2 who was inside the very same Police vehicle, on 21.07.2026. Inquiry regarding subsequent wrongful and illegal detention of eight CCL seem to be not conducted by him.

5. Shri. Amitesh Kumar, Commissioner of Police, Pune as well Shri. Milind Mohite, Dy. Commissioner of Police, Zone – II who is author of inquiry report of the Police have conveniently chosen not to place that report of inquiry on the record of this Commission despite the fact that both of them have referred to that report of inquiry in their reply affidavit.
6. This Commission is dealing with cases relating to violation of human rights and neglect in protecting them by the State and its employees / public servants. Instances of police brutality are rarely noticed by us in any part of well governed and well ruled State of Maharashtra and its Home Department except in Pune Police Commissionerate. Since long we have seen various complaints coming, before us alleging atrocious behaviors of Pune Police and acts of violation of human rights by them. Rule of Law demands that law enforcement agency must act strictly within legal parameter, treat citizens equally and protect human rights of the subject. This delicate balance is noticed to be not maintained so far as the Pune Police Commissionerate is concerned. Today the committee

comprising of S/Shri Dattatray R. Karale Inspector General of Police, Shri. Vishwas Pandhare. Superintendent of Police and Shri. Vijay Kedar, learned Registrar of this commission have produced their report in two parts alongwith supporting evidence collected by them in pursuant to our order of taking cognizance passed on 03/08/2026. It is seen from Part I and Part II of their report that in act cognizance of two altogether different incidents came to be taken by us upon noticing the video clips. One is regarding custodial torture, public parading and illegal as well as wrongful detention of eight CCL by Bharti Vidyapeeth Police Station, Pune covered by Part II of the report submitted by the Committee. Another incident is that of custodial torture and public shaming of four accused in Crime No. 363/2026 of the Bharti Vidyapeeth Police Station, Pune. Part I of the report of the Committee deals with this incident.

7. Bare perusal of the said meticulously prepared Part II of the report by collecting evidence to crystalize the facts, opens before us horrid episode of subjecting eight children to extreme cruelty by Pune Police for days together apart from turning a deaf ear to their woes and miseries by all concerned including the topmost Police Officer from Pune Police. The report is thorough, objective and well documented. On careful perusal of the entire report with documents and material annexed thereto, we prima facie concur with the finding of fact and conclusion drawn by the Committee, subject to say /

objection thereto by all affected parties so far as Part II of the report is concerned.

8. Meticulous examination of Part II of the report of fact-finding inquiry makes it clear that a crystal-clear conclusion is recorded by the committee appointed us to the effect that three CCL were tied on the bonnet of police vehicle by rope on 21.07.2026 and were publicly paraded from Ambegaon Outpost to Bharti Vidyapeeth Police Station, Pune. This conclusion is based on oral as well as electronic evidence. Even the Commissioner of Police Pune in his affidavit in reply is not disputing this fact. When the law enforcement officers weaponize their authority to inflict such treatment on a child, they do not uphold Rule of Law but utterly dismantle it. Using such punishment against a child is nothing but an act of unadulterated Police terror designed to break the psychology of a child and his physical well-being. Public parading of CCL through the street is nothing but a calculated campaign of psychological warfare and strips minors of their inherent dignity, permanently branding them as a criminal. Such conduct is totally contrary to the provisions of Section 3 of the Juvenile Justice (Care and Protection) Act, 2015 (hereinafter JJ Act for the sake of brevity). This act of Pune Police is violative of rights conferred to a child under the Constitution, International Child Rights Conventions and human decency.
9. We have perused the entire text of Part II of the report which deals with the offences allegedly committed by Police of Pune Police Commissionerate qua eight Children in Conflict with

Law (hereinafter CCL for the sake of brevity) from 20.07.2026 to late hours of 24.07.2026. Instead of reproducing that report in our order we feel that the said report be considered as part and parcel of our order. However, for the sake of convenience, we deem it necessary to quote paragraphs **9, 10, 11, 14, 73, 75 and 86** of Part II of the said report which shows actionable material as well as penal liability for the incident in question. Those paragraphs reads thus:

“9. Upon perusal of the statement of child witness CCL No.1, it is revealed that CCL No. 1,2,3 and 4 were arrested [we are and will be using this term as police had dealt with them not as CCL but as a regular adult criminals by keeping them in the lock up of Bharati Vidyapeeth Police Station, Pune till their production before the Juvenile Justice Borad, Pune on 25/07/2026] by the police from Bharati Vidyapeeth Police Station during the night of 20/07/2026 contrary to provisions of Law. They were taken to Ambegaon Pathar Police outpost of Bharati Vidyapeeth Police Station, Pune and detained in police custody thereat. On the following morning, i.e. 21.07.2026 around 10:00 a.m., they were subjected to severe custodial torture by assaulting them with fiber batons and bamboo sticks, resulting in the breaking of sticks due to the intensity of the blow. CCL No. 1 identified Senior Police Inspector Mansingh Patil, bearing three stars on his shoulder, as the officer who personally assaulted them around 11:00 a.m. of 21.07.2026 at said place.

10. As per statement of this child witness, then the children were forcefully made to sit on the bonnet of a police vehicle at Ambegaon Pathar Police outpost. As stated by CCL No.1 this witness CCL No. 1 with CCL No. 3 and 4 were tied with rope

around their waists, the ends of the rope were fastened to both side view mirrors of the vehicle. CCL No. 2 was made to sit inside that vehicle due to lack of space on the bonnet of the Police Vehicle. They were compelled to cover their faces with their shirts and fold their hands. Thereafter, as seen from the statement of this witness CCL No.1, the four of them were paraded from Ambegaon Pathar Police outpost Pune to Bharati Vidyapeeth Police Station, Pune by tying them on the Police vehicle. During this parade, Sr. Police Inspector Mansingh Patil of Bharti

Vidyapith Police Station was announcing over a loudspeaker that they (CCLs) are accused in Ganesh Malve murder case. During this parade, relatives and friends of the deceased were following the Police vehicle on which they were tied and they were attempting to assault the CCL. The children as stated by this Child witness CCL No. 1 were terrified, feeling insecure and under extreme psychological distress and pain.

11. *As per the version of child witness CCL No.1, on the same day i.e. on 21.07.2026, around 05:00 p.m., CCL No. 5 to 7 surrendered themselves at Bharati Vidyapeeth Police Station, Pune and then they too were beaten with batons by Sr. Police Inspector Mansingh Patil and thereafter they were confined in the police lockup by him. As per his version CCL No. 8 came to be arrested by police of Bharati Vidyapeeth Police Station on 22/07/2026. All eight children as per version of CCL No.1 remained in police custody at Bharati Vidyapeeth Police Station, Pune till 11:00 p.m. of 24/07/2026. Then they were taken to the Sassoon Hospital for medical examination between 11:00 p.m. of 24/07/2026 to 1:30 a.m. of 25/07/2026. Child witness i.e. CCL No.1 stated that they were intimidated not to disclose the incidents of assault to the doctor or to the*

Magistrate before whom they would be produced. Subsequently, as stated by him they were lodged in the Observation Home, Yerwada.

14. It is factually established from congruous ocular evidence of all these child witnesses (CCL No. 1 to 8) and from corroborative evidence in the form of video clip that:-

- **The CCLs were illegally arrested and illegally detained in police lockup of Ambegaon Police out post and police lockup of Bharati Vidyapeeth Police Station for more than 3 days excluding CCL No. 8 in a police lockup of Bharati Vidyapeeth Police Station, Pune who was detained for more than 24 hours.**
- **All 8 CCL were subjected to physical assault with batons and bamboo sticks by uniformed Police officers throughout including Sr. Police Inspector Mansingh Patil.**
- **CCL No. 1, 3 and 4 were paraded in public by tying them to the bonnet of a moving police vehicle, with announcements by police branding them as accused/Criminals in the Ganesh Malve murder case throughout the way on which they were paraded from**

Indian Penal Code	Bharatiya Nyaya Sanhita, 2023	Offence	Punishment	Cognizable or Non-cognizable
323	115(2)	Voluntarily causing hurt.	Imprisonment for 1 year or fine of 10,000 rupees, or both.	Non-cognizable
	120	Voluntarily causing hurt to extort a confession or information	Imprisonment for up to 7 years plus a fine	Cognizable

342	127 (2)	<i>Wrongfully confining any person</i>	<i>Imprisonment for 1 year, or fine of 5,000 rupees, or both.</i>	<i>Cognizable</i>
	127 (3)	<i>Wrongfully confining for three or more days</i>	<i>Imprisonment for 3 years, or fine of 10,000 rupees, or both.</i>	<i>Cognizable</i>
352	131	<i>Assault or criminal force otherwise than on grave provocation</i>	<i>Imprisonment for 3 months, or fine of 1,000 rupees, or both</i>	<i>Non-cognizable</i>
504	352	<i>Insult intended to provoke breach of the peace</i>	<i>Imprisonment for 2 years, or fine, or both</i>	<i>Non-cognizable</i>
506	351 (2)	<i>criminal intimidation</i>	<i>Imprisonment for 2 years, or fine, or both</i>	<i>Non-cognizable</i>
166	198	<i>Public servant disobeying direction of the law with intent to cause injury to any person</i>	<i>Simple imprisonment for 1 year, or fine, or both</i>	<i>Non-cognizable</i>
166A	199	<i>Public servant disobeying direction under law.</i>	<i>Rigorous imprisonment for not less than 6 months which may extend to 2 years and fine</i>	<i>Cognizable</i>
463	336 (2)	<i>Forgery</i>	<i>Imprisonment for 2 years or with fine or with both</i>	<i>Non-Cognizable</i>
466	337	<i>Forgery of record of Court or</i>	<i>Rigorous imprisonment</i>	<i>Non-Cognizable</i>

		Public Register etc	of 7 years with fine	
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- **Ambegaon Pathar Police outpost to Bharati Vidyapeeth Police Station, Pune.**
- **Relatives of deceased Ganesh Malve attempted to assault them during the parade, further endangering their safety, apart from public shaming and humiliation.**

73. Apart from offences under **Sections 74 and 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015**, Police officers and police personnel's from Pune Police Commissionerate are also responsible and liable for the committing the following offences punishable under respective provisions of the **Bharatiya Nyaya Sanhita, 2023** as follows-

Juvenile Justice (Care and Protection of Children) Act, 2015	Offence	Punishment	Classification of offence
74	Prohibition against disclosure of the identity of children	Imprisonment up to six months or fine up to two lakh rupees	Non-cognizable
75	Penal Consequence for cruelty against children	Three years or with fine of one lakh rupees or with both	Non-cognizable

75. It is also seen that 8 CCL are alleged to be involved in Crime No. 383/2026, during the inquiry of which the incident of their custodial torture took place. It is seen that Police from Bharati Vidyapeeth Police Station were well acquainted with these CCL as it is alleged that they were in past involved in other offences, allegedly committed in area

falling under the territorial jurisdiction of Bharati Vidyapeeth Police Station which earlier used to include area of Ambegaon Police Station (Annexure-Z1). We have collected such letter in respect of their history from Bharti Vidyapeeth Police Station, Pune. Thus, Police from Pune Commissionerate were well aware about caste of all 8 CCL. Even in this case Police are having information regarding caste of all 8 CCL in document such as social background report, Form No.7 submitted by the Probation Officer, school leaving certificates etc.

86. The Maharashtra State Human Rights Commission had issued notice in the instant case which was served on the Commissioner of Police, Pune on 03.08.2026 itself. We visited Central Jail, Pune on 04.08.2026 and then Bharati Vidyapeeth Police Station, Pune on 05.08.2026 for the purpose of fact finding inquiry. To our surprise even at that point of time Shri. Mansingh Patil was holding the charge of Bharati Vidyapeeth Police Station as Sr. Police Inspector. To cut the long story short even after noticing the incident of 21.07.2026 on 21-7-26 itself from a widely circulating video clips of public parading of CCL and their illegal as well as wrongful detention, no corrective action in the matter was taken by the Commissioner of Police, Pune or his subordinate. On the contrary, the affidavit of the Commissioner of Police, Pune in this matter shows that he had tried to push such serious matter under the carpet by leisurely making a farce of inquiry rather than taking cognizance of several offences committed by members of his Police force and registration of crime against them as per mandate of law and particularly as envisaged by the BNS, 2023 and JJ Act 2015 etc. He has such opportunity to do so on 21-7-26 itself when he issued order on the date for conducting enquiry by DCP zone II. This conduct on the part of Senior most Police Officers shows that they were negligent in protecting the human rights of CCL and were in fact abating commission of all offences mentioned by us committed qua, the CCL by Police. In fact they all had instigated the concerned

offenders by not taking action against them as required by penal statutes. As such on facts we conclude that Commissioner of Police Shri. Amitesh Kumar, Shri. Milind Mohite, Dy. Commissioner of Police and Shri. Rahul Aware, Asst. Commissioner of Police of Bharti Vidyapith Division have abetted the offenders in committing act of offences mentioned by us in foregoing paras apart from failure on their part to protect the human rights of all eight CCL.”

10. Part I of the report of the committee deals with totally different incident in respect of four accused in Crime No. 363/2026 registered at Bharti Vidyapeeth Police Station, Pune. The Committee on the basis of actionable material collected by it in the said matter concluded that victims Dinesh @ Deepak Vikas Netke, Sarfaraz, Ganesh and Durgesh who were accused in Crime No. 363/2026 were subjected to custodial torture apart from public parading and forcing them to kneel down, walk on their knees at the public places while being assaulted by Police. Element of public shaming of the victims is also reflected from the said report. Paragraph 45 of Part I of that report needs reproduction for better understanding of the matter and it read thus:

“45. From overall evidence and material on record, it is established that-

- a) The accused no. 1 to 4 in crime no. 363/2026 registered with Bharti Vidyapeeth Police Station, Pune were assaulted with batons on 05/07/2026. They were compelled to kneel down on road in front of gate of SRA Colony Lake Town and were assaulted with batons on 07/07/2026. They were also beaten on outstretched hand in parking area of their society by*

Police Inspector Mansing Patil who threatened them to leave the area by vacating their residence.

- b) *The police officers and police personnel from Bharti Vidyapeeth Police Station Pune under Police Commissionerate, Pune are responsible and liable for the committing offences punishable under respective provisions of the **Bhartiya Nyaya Sanhita, 2023** as follows-*

Indian Penal Code	Bhartiya Nyaya Sanhita, 2023	Offence	Punishment	Cognizable or Non-cognizable
323	115(2)	<i>Voluntarily causing hurt.</i>	<i>Imprisonment for 1 year or fine of 10,000 rupees, or both.</i>	<i>Non-cognizable</i>
342	127 (2)	<i>Wrongfully confining any person</i>	<i>Imprisonment for 1year, or fine of 5,000 rupees, or both.</i>	<i>Cognizable</i>
	127 (3)	<i>Wrongfully confining for three or more days</i>	<i>Imprisonment for 3 years, or fine of 10,000 rupees, or both.</i>	<i>Cognizable</i>
352	131	<i>Assault or criminal force otherwise than on grave</i>	<i>Imprisonment for 3 months, or fine of 1,000</i>	<i>Non-cognizable</i>

		<i>provocation</i>	<i>rupees, or both</i>	
504	352	<i>Insult intended to provoke breach of the peace</i>	<i>Imprisonment for 2 years, or fine, or both</i>	<i>Non-cognizable</i>
506	351 (2)	<i>criminal intimidation</i>	<i>Imprisonment for 2 years, or fine, or both</i>	<i>Non-cognizable</i>
166	198	<i>Public servant disobeying direction of the law with intent to cause injury to any person</i>	<i>Simple imprisonment for 1 year, or fine, or both</i>	<i>Non-cognizable</i>
166A	199	<i>Public servant disobeying direction under law.</i>	<i>Rigorous imprisonment for not less than 6 months which may extend to 2 years and fine</i>	<i>Cognizable</i>

c) The following police officers and personnels from Bharti Vidyapeeth Police Station, Pune are found to be involved in the alleged Commission of offences as mentioned above.

- 1) Mansingh Patil, Senior Police Inspector*
- 2) Anna Madhukar Darade, Police Sub-Inspector*
- 3) Nilesh Rajendra Mokashi, Police Sub-Inspector*
- 4) Sunil Dada Hanwate, Police Hawaldar*

- 5) *Sagar Chadrakant Borge, Police Constable*
- 6) *Soham Kailas Shendker, Police Constable*
- 7) *Rahul Ashok Aaudhakar, Police Constable*
- 8) *Mitesh Dattatrya Chormole, Police Constable*
- 9) *Ravindra Shankar Gaikwad, Police Constable*
- 10) *Sandip Laxman Aagale, Police Constable*
- 11) *Fakir, Police Sub Inspector*
- 12) *Sutar, Police Constable*
- 13) *Pawar, Police Constable*

- d) *The above-named police officers and personnel are responsible for violation of Article 21 and 22 of the Constitution.*
- e) *Shri Amitesh Kumar, the Commissioner of Police, Pune (Respondent No. 3), Shri Milind Mohite, Deputy Commissioner of Police Zone-2 (Respondent No. 4) and Shri Rahul Aaware, Assistant Commissioner of Police, Bharti Vidyapith Division, Pune, are also responsible for violation of Article 21 and 22 of the Constitution, mandated guidelines in case of D.K. Basu Vs. State of West Bengal, provisions in Chapter V of the BNSS including negligence in the prevention of violation of Human Rights or abetment thereof."*

- 11. Children are of seminal importance to the mankind and they are living assets of the Country. Let us now see as to what measures are taken by the World for wellbeing of these living assets.
- 12. The Geneva Declaration on the Rights of the Child, 1924 highlights that all people owe the children a right to special care and protection in times of need, economic freedom and protection from exploitation.

13. International Children's Emergency Fund, commonly known as UNICEF, came to be created in 1946 by U.N. General Assembly for children throughout the world. The UN Convention on the Right of Children ratified by India on 11th December 1992 request the State Parties to undertake all appropriate measures in case of a child alleged as or accused of violating any penal law including
 - a) treatment of the child in a manner consistent with the promotion of the child's sense of dignity and worth;
 - b) reinforcing the child's respect for the human rights and fundamental freedoms of others
 - c) taking into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society
14. In 1959 the UN General Assembly adopted the declaration of the Rights of the Child. The Preamble to the said Declaration mentions that mankind owes to the child the best it has to give. It declared that the child shall enjoy special protection and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in the conditions of freedom and dignity.
15. Such international covenants emerged from the social doctrine that the State has a *parens patriae* interest in preserving and promoting the welfare of children under this doctrine. It is the duty of the State / Government to act as a legal guardian for vulnerable individuals like children who are not able to take care of themselves.

16. Constitution of India also mandates the State for making special provisions for children so that all needs of children are met and their basic human rights are protected. Article 15 of the Constitution of India prohibits discrimination on the grounds of religion, race, caste, sex or place of birth. However, it does not prevent the State from making any special provision for women and children. It expects affirmative action in that regard from the State. Similarly, Article 39 (e) (f) directs the State to frame a policy to protect the children of tender age and Clause (f) of Article 39 further provides that the children should be given opportunities and facilities to develop in a healthy manner and to protect them from exploitation apart from making available facilities to develop them in healthy manner. Article 45 provides that the State shall endeavor to provide early childhood care and education for all children until they attain the age of six years.
17. In *“Sheela Barse (II) & Ors. v. Union of India & Ors.”*(1986) 3 SCC 632 the Supreme Court held that it is the duty of the State to look after the children and ensure full development of their personality. The National Policy for the Welfare of Children which was first adopted in 1974 declared that :

“The nation’s children are a supremely important asset. Their nurture and solicitude are our responsibility. Children’s programmes should find a prominent part in our national plans for the development of human resources, so that our children grow up to become robust citizens, physically fit, mentally alert and morally

healthy, endowed with the skill and motivations needed by society. Equal opportunities for development to all children during the period of growth should be our aim, for this would serve our large purpose of reducing inequality and ensuring social justice”.

18. It would be appropriate to note that even penal laws in India protects children. Section 20 of the Bhartiya Nyaya Sanhita, 2023 declares that nothing is an offence which is done by a child under seven years of age and Section 21 thereof states that a child under age of twelve years who has not attained sufficient maturity of understanding to judge the nature and consequence of his act is immune from penal consequences thereof. In past, children used to be governed by the Bombay Children Act of 1924 and then that of 1948. However, Hon'ble Supreme Court in the matter of 'Sheela Barse' (supra) stressed the desirability of having complete uniformity in juvenile justice system in the country and that is how Juvenile Justice Act, 1986 came to be enacted which with passage of time and after 'Nirbhaya' case, has taken the shape of the JJ Act, 2015 which is a very exhaustive code taking care of every aspect of Juvenile Justice and providing wholesome solution to the problem relating to children including their social reintegration and rehabilitation. Section 3 of the said Act postulate the principle of presumption of innocence, principle of non-stigmatizing semantics, principle of safety, dignity and worth etc. Safety of a child is of paramount importance while governing the Juvenile Justice System. It is seen that at the

inception itself when CCL is produced before the Juvenile Justice Board, Section 8 (3) (k) of the Juvenile Justice Act mandates the Juvenile Justice Board to order Police for registration of FIR for offence committed against any CCL under any law in force on such complaint being made. As mandated by Section 14 of the said Act, the Juvenile Justice Board at the initiation of inquiry itself has to satisfy itself that the CCL has not been subjected to any ill-treatment by Police, Probation Officer etc. If that is so, then the Juvenile Justice Board is made duty bound to take corrective steps in case of such ill-treatment. Waiver of right of a child is made impermissible either by the concerned child or by person acting on his behalf. Section 22 to 25 of the Juvenile Justice Act are intended to confer every conceivable benefit to a child alleged to be in conflict with law. Section 24 removes stigma of conviction and prescribes that such child shall not suffer disqualification. Juvenile Justice Act nowhere use terms such as 'investigation', 'arrest' etc qua the CCL. Surpassing the outer limit mandated by Article 22 (2) of Constitution of India for production before the Court, provision of Section 10 thereof direct that the CCL should be before the Juvenile Justice Board 'without loss of time'. A person in charge of the CCL is given status of 'loco parentis' by Section 11 of the Act. Thus, any person including a Police in charge of the CCL has to treat the concerned in child friendly manner as if the CCL is his ward and he is responsible for wellbeing of the CCL.

19. Given the object and purpose of the Juvenile Justice Act, every organ of the State is obliged to give full effect to this welfare legislation meant for benefit of children may that child be CCL. The State Authorities including the Police are required to implement this welfare legislation with utmost care and caution. However, the report of fact finding inquiry submitted to us shows that entire Pune Police Commissionerate is totally oblivious of provisions this welfare legislation called as JJ Act. Even in the notices, circulars issued by the Commissioner of Police, Pune, the CCL are described as 'accused'. [Refer annexures to the affidavit of Commissioner of Police, Pune].
20. On receipt of the report of the fact finding inquiry which is disclosing commission of cognizable offences, let us dwell upon the steps which needs to be taken by this Commission
21. Section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023 provides for registration of the FIR in case the information is in respect of commission of cognizable offence. Sub Section 3 of Section 173 permits preliminary inquiry in case alleged offence is made punishable for three years or more but less than seven years, to ascertain existence of a prima facie case but when the information itself discloses existence of prima facie case, then no such preliminary inquiry is warranted. In the case in hand, inquiry in the nature of preliminary inquiry has already been conducted by a Committee consisting of S/Shri. Dattataraya Karale, Spl. Inspector General of Police, Vishwas Pandhare, Superintendent of Police and Shri. Vijay

Kedar, Registrar with Maharashtra State Human Rights Commission who happens to be a Judicial Officer of the rank of Senior Civil Judge. Actionable material collected during that inquiry consists of statements of all eight CCL disclosing their illegal detention in Police lock up, custodial violence on them by Police Officers apart from their public parading by tying a rope to the bonnet of a police vehicle causing insult, humiliation and intimidation to them. The Commissioner of Police, Pune in his reply affidavit has place on record and relied on the show cause notice issued belatedly on 12.08.2026 by him to delinquent Police Officers on the basis of finding in an inquiry conducted under his orders by the Dy. Commissioner of Police, Zone – II, Pune. That show cause notice, in terms, accept the fact that all eight CCL were illegally detained at Bharti Vidyapeeth Police Station, Pune, they were subjected to cruelty and were not produced before the Juvenile Justice Board in prescribed time. This material depicts that now there is no need for further preliminary inquiry for registration of the FIR. The application dated 24.07.2026 by learned Advocate Suraj Kamble of CCL No.8 to the Juvenile Justice Board, order passed there on 25.07.2026 by the Juvenile Justice Board, pursis filed by the learned Advocate Suraj Kamble of the CCL No.8 on 25.07.2026 before the Juvenile Justice Board and letter dated 26.07.2026 written by none else but the learned Additional Judicial Magistrate to the Commissioner of Police, Pune narrating her interaction with all eights CCL on 25.07.2026 and consequent

complaint made in that letter to the effect that the CCL were illegally detained in the lockup of Bharti Vidyapeeth Police Station, Pune beyond the statutory period of 24 hours; already makes out a prima facie case for taking cognizance of the offences as stated to have been committed, in the report of the Committee constituted by Full Bench of this Commission. All these documents are part of record of the Fact Finding Inquiry.

22. Prompt direction to register the FIR in the case in hand is absolutely necessary. The learned Additional Judicial Magistrate of the Juvenile Justice Board, Pune had failed to do so despite mandate of Section 8 (3) (k) r/w. 14 of the Juvenile Justice Act, despite the fact that on production before her on 25.07.2026, the CCL made such complaint of cognizable offences committed by Police on them. This fact is seen from the remand order dated 25.07.2026 itself passed by the learned Magistrate which is also the part of record of the report of inquiry by the Committee.
23. Prior to that, though video clips of torture to the CCL by their public parading by tying them on Police vehicle were made viral from 21.07.2026 itself, as seen from the averment made in the office order dated 21.07.2026 annexed to the affidavit of the Commissioner of Police, Pune, no cognizance of offence committed on the CCL during the period of their wrongful detention at the Bharti Vidyapeeth Police Station, Pune was taken by the Commissioner of Police, Pune, to prevent further trauma to the CCL. The Commissioner of

Police, Pune as seen from his order dated 21.07.2026 (Annexures A to affidavit) was well aware of the video clip which was being circulated on the social media showing that three CCL were publicly paraded by tying them on Police Jeep by Police from Bharti Vidyapeeth Police Station, Pune. His knowledge of this fact dates back to 21.07.2026. At that time four CCL were still in lockup of Bharti Vidyapeeth Police Station, Pune and they continued to be detained threat upto late hours of 24.07.2026. The Commissioner of Police, Pune could have prevented further violation of human rights of CCL by taking corrective action on 21.07.2026 itself when he was having knowledge of the incident. He did nothing. That is how subsequently four more CCL came to be detained at Bharti Vidyapeeth Police Station, Pune on 21/7/2026 and 22/7/2026 totaling to eight CCL, who then were required to suffer physical and psychological trauma which may last for their life time. Even after receipt of our notice upon taking cognizance of the matter by this Commission, the Commissioner of Police, Pune or any office subordinate supervising officer has not even cared to investigate the matter and lodge the FIR against the erring Police Officers / Staff for upholding Rule of Law and for protecting interest of eight traumatized CCL due to acts of custodial violence and illegal detention by Police from Bharti Vidyapeeth Police Station. In fact there is no lodgment of the FIR in this matter until now because of inaction by the learned Additional Judicial Magistrate, Juvenile Justice Board as well the Commissioner of Police, Pune and his subordinates.

Prompt registration of FIR has inherent advantages. In the matter of Thulia Kali Vs. State of Tamil Nadu (1972) 3 SCC 393, Hon'ble Supreme Court has held as under:-

"12... First information report in a criminal case is an extremely vital and valuable piece of evidence for the purpose of corroborating the oral evidence adduced at the trial. The importance of the above report can hardly be overestimated from the standpoint of the accused. The object of insisting upon prompt lodging of the report to the police in respect of commission of an offence is to obtain early information regarding the circumstances in which the crime was committed, the names of the actual culprits and the part played by them as well as the names of eyewitnesses present at the scene of occurrence. Delay in lodging the first information report quite often results in embellishment which is a creature of afterthought. On account of delay, the report not only gets bereft of the advantage of spontaneity, danger creeps in of the introduction of coloured version, exaggerated account or concocted story as a result of deliberation and consultation.

For upholding Rule of Law and for facilitating swift investigation so also for prevention of the crime, the FIR needs to be lodged with promptitude. If cognizance of offence was taken either by Commissioner of Police, Pune, Dy. Commissioner of Police, Zone – II or the Asst. Commissioner of Police concerned on 21.07.2026 itself when video clips on social media were brought to the notice of Commissioner of Police, Pune, further illegal detention of CCL and their custodial torture could have been

prevented. But all these officers neglected to prevent violation of human rights of eight CCL, who were detained and tortured by Police within their jurisdiction. It needs to be put on record that law never mandates issuance of show cause notice to the proposed accused before registration of the FIR and criminal law can be set in motion by anybody who may not be even connected with the crime in any manner. In the case in hand had the cognizance of public parading by tying the three CCL on bonnet of police vehicle was taken on 21.07.2026 itself by higher ups of the Pune Police including the Commissioner of Police, Pune subsequent corporal punishment to eight CCL and their illegal as well as wrongful confinement in the lock up of Bharti Vidyapeeth Police Station could have been averted.

24. Be that as it may at this juncture it is relevant to quote provisions of Section 18 of the Protection of Human Rights Act, 1993 which deals with steps to be taken by this Commission during and after inquiry. Full text of this Section is thus:

18. Steps during and after inquiry¹

The Commission may take any of the following steps during or upon the completion of an inquiry held under this Act, namely:-

- (a) where the inquiry discloses the commission of violation of human rights or negligence in the prevention of violation of human rights or abetment thereof by a public servant, it may recommend to the concerned Government or authority

(i) to make payment of compensation or damages to the complainant or to the victim or the members of his family as the Commission may consider necessary;

(ii) to initiate proceedings for prosecution or such other suitable action as the Commission may deem fit against the concerned person or persons;

(iii) to take such further action as it may think fit;

(b) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;

(c) recommend to the concerned Government or authority at any stage of the inquiry for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;

(d) subject to the provisions of clause (e), provide a copy of the inquiry report to the petitioner or his representative;

(e) the Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission;

(f) the Commission shall publish its inquiry report together with the comments of the concerned Government or authority, if any, and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.

It is thus clear that it is within competence of this Commission to recommend to the concerned Government or Authority at any stage of the inquiry, for grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary. In the

case in hand we cannot turn deaf ear to the cry for justice made by all eight CCL before the Committee appointed by us for conducting Fact finding inquiry in the instant case. Those victims have spoken about their public parading, public shaming, custodial assault, illegal as well as wrongful detention at the Bharti Vidyapeeth Police Station, Pune. Rather than keeping them at the place of safety such as Observation Home, corporal punishment was inflicted on them. This incident of crime on eight CCL took place from 20.07.2026 to late hours of 24.07.2026 at different places within jurisdiction of Bharti Vidyapeeth Police Station, Pune. As directed by us preliminary fact finding inquiry is conducted by the team appointed by us and the report so submitted shows that version of the CCL is gaining overwhelming corroboration from other evidence collected by the Committee.

25. We have carefully examined the report as well as oral and documentary evidence annexed to that report. In a well-documented manner the said Committee has pointed out the offences committed by the Officers and Police Personnels of Pune Police Commissionerate and pointed out evidence collected by them which is supporting their conclusion. The report of fact finding inquiry so submitted to us unequivocally demonstrates commission of cognizable offences by the members of Pune Police Commissionerate requiring us to take immediate steps to prevent watering down the evidence and winning over the victims by the persons in authority. In

fact the Committee constituted by us, in their report have stated that such action has already been started and parents of the victims, when contacted subsequently by the Committee refused to give their statements. We have also noted that winning over the witnesses of the crime on CCL by influencing them has started even before the Juvenile Justice Board on 24.07.2026 and 25.07.2026. As soon as the learned Additional Judicial Magistrate of the Juvenile Justice Board ordered on 24.07.2026 for production of the CCL, Police personnel started contacting relatives of CCL No.8 and pursis dated 25.07.2026 which came to be filed by the learned Advocate for CCL No.8 before the learned Additional Judicial Magistrate on 25.07.2026 is a clear cut illustration of how the witnesses in this case are being influenced by the Pune Police. The learned Advocate for CCL No.8 vide this pursis on 25.07.2026 averred before the Juvenile Justice Board that Police Personnel from Bharti Vidyapeeth Police Station started convincing Pramod Bansode who is Brother-in-law of CCL No.8 to say that CCL No.8 was released on the day of apprehension i.e. on 22.07.2026 itself and he was not kept in continuous custody of Bharti Vidyapeeth Police Station, Pune. In such situation if we fail to act with promptitude despite having voluminous material showing commission of cognizable offences qua eight CCL by Pune Police then that shall be the mockery of Rule of Law and as such we are constrained to invoke power conferred on us by Section 18 (c) of the Protection of Human Rights Act, 1993 to recommend

by way of interim relief to the Respondent Director General of Police to register the FIR by considering the report in Part I and Part II of fact finding inquiry submitted by the Committee appointed by us as the First Information Report depicting commission of cognizable offences and to entrust investigation to the appropriate police officer of his choice, holding atleast the post of Additional Director General of Police. This is necessary because the report of fact finding inquiry shows that Shri. Amitesh Kumar, the Commissioner of Police, Pune who is the Police Officer of rank of Additional Director General of Police has also committed cognizable offences. As such investigation cannot be entrusted to Police Officer below the rank of Additional Director General of Police and we leave this matter pertaining to entrustment of investigation of crime committed on eight CCL to the discretion of the Respondent Director General of Police, M.S. Mumbai.

26. Question whether registration of the FIR is mandatory when report discloses the information of commission of cognizable offence was considered by the Hon'ble Supreme Court in the matter of **Lalita Kumari Vs. Government of Uttar Pradesh reported in (2014) 2 SCC 1** and came to be answered in affirmative. Paragraphs 113 and 114 of the said judgment which clinches the issue. Those paras reads thus:-

“113. It is the stand of Mr. Naphade, learned Senior Counsel for the State of Maharashtra that when an innocent person is falsely implicated, he not only suffers from loss of reputation

but also from mental tension and his personal liberty is seriously impaired. He relied on *Maneka Gandhi*, which held the proposition that the law which deprives a person of his personal liberty must be reasonable both from the standpoint of substantive as well as procedural aspect is now firmly established in our constitutional law. Therefore, he pleaded for a fresh look at Section 154 of the Code, which interprets Section 154 of the Code in conformity with the mandate of Article 21.”

“114. It is true that a delicate balance has to be maintained between the interest of the society and protecting the liberty of an individual. As already discussed above, there are already sufficient safeguards provided in the Code which duly protect the liberty of an individual in case of registration of false FIR. At the same time. Section 154 was drafted keeping in mind the interest of the victim and the society. Therefore, we are of the cogent view that mandatory registration of FIRs under Section 154 of the Code will not be in contravention of Article 21 of the Constitution as purported by various counsel.”

While deciding this issue the Hon’ble Supreme Court observed that burking of crime, in long run, has a very negative impact on the Rule of Law. Non-registration of the FIR leads to a definite lawlessness in the society. While observing this in Paragraph 105 of its judgement, the Hon’ble Supreme Court has held thus:

105. Therefore, reading Section 154 in any other form would not only be detrimental to the scheme of the Code but also to the society as a whole. It is thus seen that this Court has

repeatedly held in various decided cases that registration of FIR is mandatory if the information given to the police under Section 154 of the Code discloses the commission of a cognizable offence.

27. In the matter of CBI Vs. Tapan Kumar Singh reported in 2003 SCC (Cri) 1305, it is held by the Hon'ble Supreme Court that it is not necessary that the Police Officer should be convinced or satisfied about commission of cognizable offence. If he has reason to suspect commission of cognizable offence, then also he is duty bound to record the First Information Report and conduct an investigation. In the case in hand we have noted that the committee entrusted with the job of fact finding has collected voluminous evidence to infer commission of cognizable offences qua eight CCL who were in custody of Bharti Vidyapeeth Police Station, Pune, some of them (CCL No. 1 to 4) from 20.07.2026, others (CCL No. 5 to 7) from 21.07.2026 and last one (CCL No.8) from 22.07.2026 as per the finding of fact recorded by the Committee. Similarly, we have noted from Part I of the report of the Committee that four victims who were accused in an offence registered with the Bharti Vidyapeeth Police Station, Pune were subjected to custodial torture and they are victims of several offences as mentioned in the said report, committed on them by the Pune Police. Needless to mention that our concurrence with both Parts of the reports is prima facie and subject to all just exceptions to the same by all affected parties. However, that is not a hurdle for passing interim recommendation.

28. As stated by us in foregoing paragraphs, perusal of Part I and Part II of the reports submitted to us by the Committee reveals commission of cognizable offences qua the CCL as well as adult accused by Police from Pune Police Commissionerate, as a Commission dealing with protection of human rights of subjects of the State of Maharashtra it become our bounden duty to act immediately by taking all necessary steps in the matter as per mandate of law to uphold Rule of Law in the State. Even otherwise law of the land expects every vigilant citizen to report commission of cognizable offence to the concerned Police Station forthwith, in the interest of justice. That apart Section 18 of the Protection of Human Rights Act, 1993 casts statutory duty on this Commission to initiate proceedings for prosecution or such other suitable action as deemed fit against the concerned persons when the inquiry discloses incidents of violation of human rights by the public servants. Clause (c) of Section 18 authorizes the Commission to grant interim relief at any stage of inquiry. With such legal position and when the law mandates that for lodgment of FIR no notice is required to the proposed accused, we shall be failing in our duty if we fail to pass necessary recommendation for registration of the FIR consequent to the reports of the fact finding inquiry. Hence, the following recommendations:-

- a) **Part I and Part II of the reports of fact finding inquiry submitted by the Committee appointed by the MSHRC along with annexures thereto be forwarded to the Respondent Director General of**

Police, State of Maharashtra, Mumbai with recommendation that both Part of the report of fact finding inquiry along with its annexures be treated as the First Information Report as envisaged by Section 173 Bharatiya Nagarik Suraksha Sanhita, 2023 and for completion of consequential investigation expeditiously. We recommend that as allegations are also against the present Commissioner of Police, Pune who is an officer of the rank of the Additional Director General of Police, necessary care of entrusting the investigation to the officer of the rank of Additional Director General of Police or above should be taken by the Director General of Police. We make it clear that the Director General of Police shall be free to appoint the investigating officer of his own choice. We make it clear that the investigator shall not be bound by the arena covered by the reports of fact finding inquiry and he shall have full discretion to be exercised in professional manner for investigation of the alleged offences found to have been committed by the Committee appointed by the Maharashtra State Human Rights Commission. Photocopies of the statements of all eight CCL without redacting should be sent confidentially to the Director General of Police, State of Maharashtra,

Mumbai for the purpose of getting the alleged crimes investigated by keeping in mind the restrictions of non-disclosure found in Section 74 of the JJ Act.

- b) Copy of Part II of the report of the committee with annexures thereto be forwarded to the Hon'ble Bombay High Court through its learned Registrar General for placing the same before the Hon'ble Chief Justice for action as may deem fit.**
- c) Photocopies of both these reports with annexures thereto be supplied under acknowledgment to all the noticees / newly added Respondent so also to the original noticees and Respondents for enabling them to furnish their say in the matter, for deciding further course of action in the matter.**
- d) Matter to appear on board before Court No.1 on 26th October 2026 at 11.00 a.m.**
- e) Inform to all the parties concerned.**

(Sanjay Kumar)	(Mrs.Justice Swapna Joshi)	(Justice A.M.Badar)
Member	Member	Chairperson