

CUSTODIAL DEATH AT CHANNAGIRI



A Fact-Finding Report

Prepared by:

People's Union for Civil Liberties (PUCL)
Association for Protection of Civil Rights (APCR)
Bahutva Karnataka
All India Lawyers Association fo Justice (AILAJ)

TABLE OF CONTENTS

BACKGROUND.....	2
SUMMARY OF TESTIMONIES.....	4
TIMELINE OF EVENTS.....	13
ANALYSIS OF DOCUMENTS.....	18
LEGAL ANALYSIS.....	21
FINDINGS OF THE TEAM.....	31
IMMEDIATE DEMANDS.....	34

BACKGROUND

Channagiri is a small town located in Davangere district at a distance of 60 km from the district headquarters. Adil, a carpenter from Channagiri, died in Police Custody while he was detained for the accusation of gambling under the Karnataka Police Act, of 1963. His family was not aware of his arrest, and only learnt about his death during the procedure of post-mortem. When news broke out about the death of Adil in police custody on May 24, 2024, large crowds gathered outside the police station to visit Adil's remains. Consequent to the air bullets and lathi charges by the Police force many peaceful protestors were allegedly pelting stones at the police jeeps parked outside the station in retaliation. Six FIRs were registered overnight accusing around 300 people of unlawful assembly, rioting and voluntarily causing hurt under various sections of the Indian Penal Code, 1960.

After the first arrest of a person on the evening of May 25, 2024, around 47 people have been arrested, many of whom are allegedly innocent. Subsequently, owing to the grave intensity of the case, the investigation of the custodial death was transferred to the CID.

In response to the custodial death, the following breakdown of law and order and the large-scale arrests is a concern for many civil society groups as it speaks to a violent exchange between the state and citizenry. Members of All India Lawyers, Association for Justice, Association the Protection of Civil Rights, Bahutva Karnataka and People's Union for Civil Liberties formed a fact-finding to visit Channagiri on June 21, 2024, to inquire into the aforementioned events.:

1. Siddharth KJ, Bahutva Karnataka
2. Hussain Kodibengre, Association For Protection of Civil Rights APCR
3. Kishor Govinda, People's Union for Civil Liberties
4. Sushravya G, All India Lawyers Association for Justice, AILAJ
5. Nizamuddin Davangere, Association For Protection of Civil Rights APCR
6. Ameya Bokil, National Alliance for Justice, Accountability and Rights
7. Sharat B, All India Lawyers Association for Justice
8. Aishwarya R., People's Union for Civil Liberties
9. Abdul Sarmad Tarikere, Association For Protection of Civil Rights APCR
10. Adil, Tarikere, Association For Protection of Civil Rights APCR
11. Mushtaq Dharwad, Association For Protection of Civil Rights APCR

The objectives of the fact-finding were as follows:

- a. Investigate the legality of the arrest and the allegations of custodial death of Adil K.
- b. Understand the sequence of events leading to the protest and the violence that broke out

- c. Investigate the actions taken by the police thereafter, including the registering of FIRs against protestors and arrests

SUMMARY OF TESTIMONIES

Summary of Interviews

Testimonials from family:

Heena Banu (widow of Adil):

The Fact-Finding Team interacted with Heena Banu, Adil's wife. She submitted that Adil was a carpenter who was the sole provider for the family. They begot three minor children out of wedlock. She said that on 24 May, after returning from work and eating a late lunch, Adil went to the market. Around 7 PM, he called her on the phone. He told her concerningly that he fears getting picked up by the police. Adil urged Heena to look after their children. She initially thought it was a prank. However, the gravity of the situation became apparent after her father-in-law got a call from a police official announcing his death.



Adil's Carpentry tools

She told the Fact-Finding team that Adil did not have any serious health issues. She said, many community members and family members witnessed the marks and injuries on Adil's body. Adil's eleven-year-old son told Heena that he saw that one of Adil's feet was twisted all the way around.

In the days following, Heena recounted the same details to CID officials. The Officials asked her to sign some documents but she refused to sign without proper understanding. Adil's father, who had been in contact with the police, did not share any information with her, leaving her in the dark about any discussions or potential compensation.

When CBI officials visited her within the week, Heena's testimony remained consistent. Her plea for justice is clear: she wants the officers responsible for Adil's death to be arrested and she needs financial assistance for her family.

Kalimullah (father of Adil)

Kalimullah shared a series of events leading up to his son's demise with the Fact-Finding Team. He told the team that Adil, on the day of his death, appeared visibly distressed. Adil's livelihood involved the polishing of timber. Approximately a year ago, Adil was detained by the police and beaten. Following that incident, Kalimullah had pleaded his son to steer clear of trouble and believed Adil had heeded his advice, but Adil continued to engage in *matka*, a form of gambling. Kalimullah said that it was dangerous for Adil as the police would beat him *again* and he would have discouraged Adil had he been aware.

He said, the evening of Adil's death unfolded in confusion and dread. Rumours that someone had been hospitalised circulated, prompting Kalimullah's nephew to investigate the case at about 7 in the evening. It wasn't until 8:45 that Kalimullah arrived at the hospital, only to discover his son was dead. Some family members fled for safety out of fear. Kalimullah told the team that while Adil was not suffering from any illness, he was thin.

Kalimullah's brother, who was present, told the team about bruises he saw on Adil's body's neck. He expressed confusion on the cause of the visible bruises found on Adil's back. He mentioned that it was unclear whether the bruises were a result of a beating or from being laid on a hard surface. The family has filed a formal complaint with the assistance of community leaders.

Witnesses:

Testimony of a Local Activist

The team spoke with Mr. X, a local activist working with the X party who provided an account of the events surrounding Adil's arrest and subsequent death. Adil had a history of three prior gambling-related cases with the police. On the night of his death, Adil was arrested at 8:45 PM while at Latif Hotel in Tipunagar by the Station In-Charge and Circle Inspector. They took him to the Channagiri police station, where he was asked to sign an unknown document. Shortly thereafter, Adil collapsed and was rushed to the government hospital, where he was declared dead. It was reported by the Police that Adil's death resulted from low blood pressure, and there was no FIR was filed regarding his death.

Following Adil's death, his family accused the police of killing him. The Deputy Superintendent of Police (DySP) attempted to reassure the family, offering to conduct the post-mortem at a location of their choice, even in Bangalore, and discussed compensating the family with 15 lakh rupees. Despite these assurances, the situation escalated quickly.

By 10 PM, a crowd of around 1,000 people gathered at the scene. The crowd was difficult to control, and despite his efforts to calm them, the protests continued until midnight, marked by acts of violence such as attempted vehicle arson. Mr. X stayed until morning, witnessing the escalation firsthand.

Around 2 AM, authorities took Adil's body for post-mortem, returning it around noon the following day. By 7 PM, the police began making arrests, targeting numerous individuals from the crowd. Out of the large gathering of thousands, only 50-60 people were involved in violent activities, and only 10 of these individuals are named in the FIRs. They are currently untraceable. Mr. X asserts that of the 47 people in jail, only 3-4 took part in violence, with the majority being innocent.

Testimony of a Retired Senior Citizen of Channagiri

The team also spoke with Mr. Y, emphasized that the protests and violence were spontaneous and unprecedented in the region's history, and called the entire incident unfortunate. The town was unusually crowded that day due to a bazaar, and during the unrest, police officers sustained minor injuries, and six vehicles were damaged.

Testimony of a Local Community Leader

Testimony of Mr. B a community leader from Channagiri told the team that on 24 May he received a call from his MLA, Shivaganga Basavaraj, at around 9:15 PM. Shortly after he had returned home and finished his Isha prayer. He was informed that there was a large crowd gathered at the hospital due to the death of Adil K., a 30-year-old local Muslim youth and carpenter with two sons and one daughter, who reportedly died in police custody.

Upon arriving at the hospital, he learned that Adil's body had been taken to the police station. Despite the large crowd, he managed to enter the police station with great difficulty. Shortly after, the DySP arrived and faced similar challenges entering the station. Eventually, about 10 to 12 local leaders, including Adil's father and uncle, met with the officers to discuss the situation. The police requested their assistance in maintaining a peaceful environment.

The situation escalated, resulting in tear gas being used to disperse the crowd. Three police officers sustained minor injuries during the stone-pelting incident.

Due to the late hour, around 1 or 2 AM, he returned home to take his medication. The following day, after Adil's funeral around 4 PM, the police began arresting local youth, including many innocent individuals who were not involved in the incident. These arrests were made without warrants or prior notification to their families.

Testimony of Mr. C (witness at Zabi Beeda Shop)

Mr. C, witness from Zabi Beeda Shop near Lathif Hotel in Channagiri, he deposed that knew Mr. Adil, and he regarded Adil as a good person within the community. According

to Mr. C, on the aforementioned day, he had attended a family function and returned to the shop around 6 PM. Between 7 to 8 PM, Mr. Adil visited Zabi Beda Shop and purchased one "bedi" cut and two bananas.

Mr. C recalled that Mr. Adil requested to put the purchase on credit, promising to settle the amount later. Initially, the credit was extended to approximately ₹200, but Mr. Adil consistently deferred payment, reducing the outstanding amount to ₹50 over subsequent visits. Mr. C described Mr. Adil as having a cheerful demeanour, often engaging in light-hearted banter during his visits.

Shortly after Mr. Adil's departure from Zabi Beda Shop, Mr. C was informed by other customers that Mr. Adil had been apprehended by authorities. It was unclear to Mr. C the precise circumstances or reasons for Mr. Adil's arrest, as Mr. Adil had left the shop seemingly moments before his detention.

Mr. C expressed surprise and concern over the incident, emphasizing his limited interaction with Mr. Adil that evening, which primarily revolved around the purchase transaction. Mr. C noted that Mr. Adil's arrest occurred immediately after his departure from the shop, highlighting the proximity of the event to their last interaction.

Mr. C reiterated his positive impression of Mr. Adil based on their community interactions and transactions at Zabi Beda Shop. He emphasized Mr. Adil's regular visits and his amicable demeanour during these visits. Mr. C concluded his statement by expressing hope for clarity on the situation surrounding Mr. Adil's arrest and reiterated his willingness to cooperate with any further inquiries regarding the incident.

From conversation with the Superintendent of Police, Davangere

Current Status of Adil's Case:

The team spoke with the Superintendent of the Police regarding the case. The Superintendent told the team that the inspector received information about individuals playing Matka and gambling. After verification, Adil was "secured" by the police station at 8:55 in the evening. CCTV footage is available to support this sequence of events.

When asked about the gambling case, the Superintendent clarified that it involved Matka, an activity called "Open-Close." However, there was some ambiguity regarding Adil's arrest status. The SP insisted that the term "arrest" was not correct when talking about Adil and insisted on using the term "secured". Adil was not officially arrested but he was *secured* by the police at the market, when the Fact-Finding team confronted the SP with the FIR's version of the place of arrest, The SP changed their stance.

Adil was brought in a police vehicle, and an NC (non-cognizable) report was registered. There was no arrest memo as he was not formally arrested but brought in for inquiry. The Superintendent emphasized it is not meaningful to say that bringing someone to the police station for inquiry does not necessarily constitute an arrest.

Adil collapsed within two minutes, during questioning. The officers suspected a seizure and administered first aid. Adil did not regain consciousness and was immediately shifted to the Government Hospital. Following this, a crowd gathered outside the police station, suspecting mishandling by the police. Despite efforts to explain the situation, the crowd grew unruly. Approximately 1000 people were there and they outnumbered the police, leading to the use of gas for crowd control.

The Superintendent emphasized that no civilians were injured, only police officers were. Upon arriving at 12:40 in the morning, the Superintendent oversaw the situation, shifting Adil's body to the hospital and informing his family about legal procedures, including the possibility of filing a case against the officers. The family filed a complaint regarding unnatural death, leading to a magisterial inquiry and a post-mortem supervised by a judge. The case was handed over to the CID for investigation.

The CID is investigating Adil's death while six FIRs related to the protest are being handled by inspectors.

The magisterial inquiry, now handled by the CID, primarily involved family and blood relatives as witnesses.

Post-Arrest Actions:

The Superintendent assured that no innocent people were arrested and urged those involved to return for the Bakrid festival without fear. Six FIRs were filed due to injuries to 12-13 policemen and damage to vehicles and police stations. The complaints and complainants were varied, reflecting the chaotic nature of the incident.

The Superintendent denied the use of excessive force, citing numerous videos and CCTV footage showing the unruly crowd and the necessity of police actions. Detainees were presented before a magistrate within 24 hours as required by law.

Midnight hearings, although uncommon, are permissible by law, and permissions for actions taken post-NC were obtained around 4:30 AM. Despite relatives visiting and efforts to comply with guidelines, some procedural lapses were acknowledged, but efforts were made to ensure transparency and care.

The Superintendent mentioned that video evidence and any further information were under CID investigation, indicating that interpretations of the video might not fully capture the situation's reality.

Summaries of interviews with families of those who had been arrested, accused of participating in violence:

The Fact-Finding Team went to Honnebagi and Khazi Mohalla village to speak with family members of the accused. Names have been omitted for protection of the family .

Honnebagi

From Honnebagi, 14 individuals were arrested, and none have been released on bail. It is claimed that only two of the arrested individuals were present at the incident and were merely taking video footage. The police promised to release the men if they voluntarily presented themselves at the station, but this promise was not kept, and the families were not informed about the arrests.

1. Local Community Leader

- He had witnessed police lathi-charging the crowd before violence broke out. This led to stone-pelting as a reaction from the crowd.
- The police should have anticipated the public reaction to the news and lathi charge.
- He told the team that only two of the 14 arrested individuals were present at the incident, capturing video footage.

2. Relative of Detainee A

- A is a 32-year-old man with a three-year-old son.
- A's son is a heart patient having twice requiring surgery
- A was unloading mangoes in Channagiri when he was arrested.
- The police acknowledge A there is no evidence that A was involved in the protest but detained him nonetheless.
- His family was not informed about his arrest and only obtained the FIR copy eight days later.
- A's son missed his father and his family needs him as an earning member of the family.

3. Brother of Detainee B

- Six police officers came to arrest B, who is a 19-year-old. They demanded a copy of his Aadhaar card from his mother. She was panicked.
- His community members tried to support him, but the police detained him.

4. Brother of Detainee C

- Police arrested C from a plantation and seized his phone and vehicle. They were realized after 2 weeks.
- C's family was not informed, leading to hours of searching before discovering his detention.

5. Mentally Challenged Detainee D

- A mentally challenged individual, D, was arrested who did not understand the consequences.

- He does not speak Kannada and requires assistance.

Khazi Mohalla

The team also spoke with family members of individuals arrested in Khazi Mohalla following the incidents in Channagiri. Names have been anonymized to protect the identities of the individuals involved.

1. Interview with Father Brother and Wife of Individual E

- **Details:**

- E, 30, a cleaner at a sawmill, was the sole breadwinner for his family, including two children (age 7 and 2) and an expecting wife.
- E was arrested on the evening of 24th May while getting change at a nearby shop.
- E's Family was not informed of the reason for his arrest and was denied entry into the police station.
- E's family is struggling financially, relying on loans from local groups, and facing harassment from creditors.

2. Interview with Father and Wife of Individual F

- **Details:**

- F, 33, a carpenter, was arrested on 26 May while visiting relatives in a nearby village.
- F was present on the day of the incident, though did not take part in any violence.
- F was pressured by the police to reveal the whereabouts of a friend, despite having no information. He was dragged into the police van when taken. His family went to the police station to get him released.
- F is of poor health. He underwent three surgeries in the recent past, and was supposed to go to Mangalore for medicine. F was denied medical help while in custody.
- Arrest has severely affected the family, who are now living on borrowed money. F is their sole breadwinner.

3. Interview with Wife and Father-in-Law of Individual G

- **Details:**

- Individual H, 38, a helper at a butcher shop, was arrested on evening of 25 May while buying medicines.
- H has 2 children (age 12 and 8)
- Family was not informed of the reason for his arrest and was denied entry into the police station.
- G's family went to the police station. His wife begged for him to be released.
- Arrest caused significant emotional distress to G's wife and children, who are now living with her father.

4. Interview with Father of Individual H

○ Details:

- H, 25, is newly married and works as a welder. H was arrested on 25 May despite being in another city, nowhere near the police station.
- Police told the family that H would be released after reviewing the CCTV, but the police did not provide any paperwork or information about his arrest.
- H's parents went to the police station. H's father said he was afraid of getting arrested since many innocent people had been arrested. The station was empty at 6:30 in the morning. They were told that H was sent to jail at 3:30 in the morning
- Beaten in custody for refusing an injection and is struggling with the trauma.

5. Interview with Wife of Individual I

○ Details:

- I, 38, works as a coolie, and is a father of five (age: 2, 7, 10, 12 and 13), four of which are girls.
- On the night of the incident I was at a shop near his home. I's home is not near the police station. He was sitting at the shop and came home at 11 that night.
- I was arrested on 27 May at the same shop. He refused to go with the police, and then was dragged into the van.
- When his wife came to the police station, the police told her that
- Police claimed he was in CCTV footage of the violence but provided no evidence or paperwork.
- I's wife went to see him in custody after a few days. I was severely beaten in custody, his face was swollen and he walked with a limp.
- His arrest has left the family in financial distress. He is the only earner and the family is struggling with loans.

6. Interview with Mother of Individual J

○ Details:

- J, 25, works as an auto rickshaw driver, was arrested on 26 May while buying milk. His family was informed by people who saw J get arrested.
- On the day of the incident, L was sleeping at home.
- Unwell with a medical condition (piles) and now struggling with the shock of his arrest.
- J's mother went to the police station immediately after the arrest. She begged them and fell at their feet to release J. She told them that was unwell and at home. The police paid no heed.

- Family received no official information about his arrest. After being placed in judicial custody, and he has now regularly been taken to the hospital from jail.

7. **Interview with Wife of Individual K**

- **Details:**

- K, 26, works as a carpenter, was arrested on 25th May from his workplace.
- On the night of the incident, he was at home.
- The family heard about the incident, but K went to work the next day, as he was not involved.
- The family was not allowed inside the police station and received no paperwork or information. They said they would release him after reviewing the CCTV footage.

8. **Interview with Wife of Individual L**

- **Details:**

- L, 35, works as a carpenter, was arrested from his workplace on 25 May.
- L has 4 children (age 10, 12, 14, 15)
- He was at home on the night of the incident but was arrested the next day. His employer informed the family at 9:30 PM that he was arrested at 7 PM.
- At 10:30 PM, the family went to the police station to release him, saying he was at home when the incident took place.
- Despite his claims of innocence and requests to check CCTV footage, he was beaten in custody.
- L told the family that when he was in police custody, the police beat him with lathis saying they knew he was there during the violence. He kept begging them saying that they could check the footage, and they would not find him because he was at home. They kept beating him and refused to listen.

TIMELINE OF EVENTS

Based on official documents, witness testimonies, and news reports, the team reconstructed a timeline of the events leading up to and following Adil's death. There were many discrepancies regarding how these events unfolded, which are noted in the timeline below:

Date	Time	Incident	Source	Notes
24.05.2024	7:00-8.45 PM	Witnesses report that Adil is picked up from near Latif Hotel in Tipunagar. This is contradicted by the FIR which shows he was arrested at home. Some witnesses insist he had been taken into custody at 8:45 PM.	Testimonies	Contradiction between testimonies and FIR. Witnesses say 7:00 PM near Latif Hotel, while FIR states arrest at home.
24.05.2024	8:30 PM	Harun Akthar, PSI, Channagiri PS receives information of gambling going on at the residence of Adil s/o Kalimulla, resident of AK Colony, Tippunagara in Channagiri Town at 8:30 PM. A non-cognizable offence No. 22/2024 was registered.	FIR No. 256/2024 Channagiri PS	
24.05.2024	8:45-9:00 PM	Adil collapses at the Channagiri police station shortly after arrival. Shortly after, Adil is rushed to the government hospital but is declared dead upon arrival.	SP Testimony	

24.05.2024	After Registration of NCR	<p>In the contents of the FIR, the police asserted that after getting an order from the Magistrate, they registered FIR No.: 0256/2024 at 4:30 AM on May 25, 2024.</p> <p>However, they claimed that they arrested him around 8:30 PM.</p>	FIR No. 256/2024 Channagiri PS	<p>Before registering an FIR, the police arrested Adil K at 8:30 PM. CrPC Section 155 states “No police officer shall investigate a non-cognizable case without the order of a Magistrate.” Adil’s wife told the team that he was arrested at 7 PM, much before the 8:30 PM, when the police claimed to have received the information.</p>
24.05.2024	Late Evening	<p>Adil’s body is returned to the police station; the family alleges police involvement in his death. DySP attempts to assure the family, discusses post-mortem options, and negotiates compensation of 15 lakh rupees.</p>	Testimonies	
24.05.2024	Late Evening to Midnight	<p>People begin to gather in protest; the crowd reaches approximately 1,000 people as alleged by the police. Protests escalate; attempts to calm the crowd are ineffective. People are told to disperse. They do not. There is a lathi-charge by the police and stone pelting by some members of the crowd. Different people have reported differently which started first. 40-60 people in the crowd of 2000 were violent. DySP and Circle Inspector interact with Adil’s wife.</p>	Testimonies	

24.05.2024	8:45 PM to Midnight	News of the man's death spread, his relatives along with a large group of people went on a rampage, damaging police vehicles and hurling stones at the police station. 11 cops were hurt in the attack. Police from neighbouring districts Chitradurga and Shivamogga were pressed in for service to bring the mob under control.	FIR No. 250/2024 Channagiri PS, New Indian Express, Hindustan Times	Contradiction between news reports and FIRs about when the attack on the PS took place. Press says early morning. FIRs say between 8:45 PM and midnight.
25.05.2024	2:00 AM	Adil's body is taken for post-mortem	Testimonies	
25.05.2024	12:30 AM - 4:15 AM	Six separate FIRs registered (FIR Nos. 250 to 255 of 2024) for offenses between 8:45 PM and midnight.	FIR Nos. 250 to 255 of 2024	FIR No. 250 is the only one with named accused; others mention only unnamed accused in varying numbers.
25.05.2024	4:30 AM	FIR No. 256/2024 registered under Section 78(3) of Karnataka Police Act for matka gambling, after permission received from the competent court.	FIR No. 256/2024 Channagiri PS	FIR against Adil filed after FIRs related to the PS attack. Irregular as it notes nothing about detention and death.
25.04.2024	Noon	Adil's body is returned from post-mortem	Testimonies	
25.05.2024	Day time	DySP and an Inspector suspended. CM Siddaramaiah denies custodial death, cites issues with summoning and detention.	News Article https://indianexpress.com/article/cities/bangalore/karnataka-custodial	Ambiguity between CM and SP; CM denies custodial death while SP admits Adil was in custody.

			-death-police-station-vandalised-9351027/	
26.05.2024	-	Home Minister Parameshwara admits “negligence” and orders an inquiry. Clarifies that the death's cause will be confirmed by the postmortem report.	https://www.hindustantimes.com/cities/bengaluru-news/25-people-arrested-in-connection-with-mob-attack-in-karnatakas-channagiri-police-station-101716783061377.html	
25.05.2024	7:30 PM-8:30 PM	At least 26 people arrested on FIRs No. 250, 252, 253, 254, and 255.	Magistrate Order dated 26.05.2024 (order wrt 251/2024 missing on our record)	
25.05.2024	-	At least 26 people produced before the Magistrate in different batches. All remanded to Judicial Custody.	Magistrate Order dated 26.05.2024	
26.05.2024	By morning	Total of 47 arrests have been made		There are discrepancies regarding the involvement and guilt of those arrested from multiple testimonies.

27.05.2024	-	All 26 accused are further remanded to Judicial Custody till 07.06.2024.	Magistrate Order dated 26.05.2024 (order wrt 251/2024 missing on our record)	
25.05-27.05.2024	-	Crime Investigation Department, Bangalore takes over inquiry into Adil's unnatural death. Police reports 25 people arrested and identifies suspects using CCTV and video clips.	https://timeofindia.indiatimes.com/city/hubballi/25-people-arrested-in-connection-with-mob-attack-on-channagiri-police-station-in-karnataka/articleshow/110452165.cms	As on 28.08.2024, the CID inquiry is still going on. The IO is DySP Kanakalakshmi, Homicide and Burglary Division, CID.
27.05.2024	-	CID officials visit Adil's wife, Heena Banu, for information.		
25.05-27.05.2024	-	Families struggle with obtaining FIR copies and managing the absence of detained members.		
14.06.2024	-	Press reports that a total of 40 people have been arrested.	https://english.publictv.in/40-arrested-so-far-after-attack-on-channagiri-police-station-says-sp/	Information needed on whether any arrested individuals have been granted bail.

28.08. 2024		At the time of publication, the CID's investigation into the unnatural death is still on under IO DySP Kanakalakshmi of the Homicide and Burglary Division. Also, 47 people arrested on the other hand have managed to obtain bail.		
----------------	--	---	--	--

ANALYSIS OF DOCUMENTS

The Fact-Finding team analysed official documents related to the detention, death, and subsequent fallout of Adil's death. When put together, the documents raise questions about the procedural integrity of Adil's case and death. This includes the timing of the non-cognizable report's registration and whether it occurred at his home, outside, or at the police station. The spot panchama and various letters are inconsistent regarding timing and location. These issues collectively suggest lapses in due process and show the need for clarification through inquiry to ensure justice and transparency in the case:

Sr. No.	Document	Notes
1.	Non-Cognizable Report 022/2024 and Acknowledgement	<p>The Acknowledgement Section of the NC Report notes that information was received at 8.30PM on 24.05.2024 from an informant that Adil K, son of Kalimullah, residing at 9 A.K. Colony in Channagiri Town, was conducting illegal Matka gambling at his residence. Upon receiving this information, Police Sub Inspector Channagiri PS, Mr. Haroon Akhtar and Police Constable (Badge no. 281), Mr. Santosh were called to the station and were briefed and instructed to carry out a raid at Adil's residence and take necessary action. It then notes that such action was taken.</p> <p>This implies that the NC offence was registered after Adil was raided. Whether this was done on the spot of the arrest or later at the Police Station is not clear since the Acknowledgement unlike an FIR does not record the exact time of the registration.</p>
2.	Spot Panchnama	<p>This is typed out on a laptop by Police Constable Santosh signed by two spot witnesses- Mainu and Aftab between 8:40 pm to 8:55 pm in front of Latif Tea Shop. According to this-</p> <p>At 8.30PM on 24.05.2024, PSI Harun Akhtar came to Channagiri's Upper Bus Stand and met two persons- Mainu and Aftab, and asked for their cooperation as spot witnesses for the raid they were going to carry out. The PSI Akhtar conveyed to the two witnesses that Adil was carrying out matka gaming at his residence. This information was given to PSI Akhtar by PI Niranjana who received it from informants.</p>

		<p>The two accompany PSI Akhtar and Police Constable Santosh to the spot of the incident on police jeep and reach at 8.35pm. They hid and saw Adil shout to the public “<i>come, play your luck in bombay matka by placing one rupee and writing your lucky number for one rupee you will receive eighty rupees</i>”. The police “raided” and nabbed him and when searched they found Rs. 650 rupees cash, a chit which indicated a number and one pen on his person. The spot is identified to have the CC Road which goes to chicken market to the East, the Chitradurga-Shivamoga NH-13 road to its West, Honnebagi’s Saleem’s Chilli Powder Shop to the North and the Lateef Tea Shop to its South.</p>
3.	Letter by SI to the SHO	<p>A typed letter dated 24.05.2024 but not mentioning the time- from PSI Haroon Akhtar to the SHO of the Channagiri PS records these facts- PSI Akhtar received information at 8.30PM that Adil was engaging in Matka Gambling at his residence. It records that he raided his residence.</p>
4.	Letter by HC to Magistrate	<p>Another typed letter dated 24.05.2024 but again not mentioning the time, from Head Constable Yohesh MB to the Judicial Magistrate records identical facts as above, that PSI Akhtar received information at 8.30PM that Adil was engaging in Matka Gambling at his residence. It records that they conducted raid at his residence.</p> <p>In this letter the Police sought permission from the Magistrate to register an offence under Section 78(3) of the Karnataka Police Act, 1963.</p> <p>The copy received from the court indicates a signature dated 24.05.2024 saying “Permitted vide Separate Order”.</p>
5.	List of Property Sent to Magistrate	<p>This is information in an official format titled ‘LIST OF PROPERTY SENT TO MAGISTRATE’.</p> <p>It records the Property Number as 100/ 2024 and date as 25/05/2024 and the seized property to include Rs. 650, one OC Slip and one Ball Point Pen- all same as those indicated in the spot panchnama. It records the place of seizure as Santhe Beedi, in front of Lathif Tea Hotel.</p>

		<p>However, it records the name of Police Officer making the Seizure to be Head Constable Yogesh MB and the date of seizure as 25/05/2024. The detailed description under where and when and from whom stolen from it reads, “On May 24, 2024, the Santhe Bidi Latif Tea Shop, located adjacent to a public place under the jurisdiction of the Channagiri Police Station, was seized in the presence of witnesses from the accused.”</p> <p>After which, it says- “The Court requests an order to retain the aforementioned cash and items specified in Clause No. 04 in police custody until a final report is submitted to the Court.”</p>
6.	FIR No. 256/2024	<p>The FIR against Adil for the offence of gaming is registered at 4.30 AM on 25.05.2024. This merely repeats the sequence of events narrated in the NC Report, that upon information definite information that Adil was conducting Matka Gambling at his residence and under orders of his superiors, PSI Haroon Akhtar, the informant, raided the residence of Adil where Matka gambling was being conducted. Interestingly, it records under the clause “Place of occurrence with full address” it records only : “A.K. Colony, Near Tipu Nagar, Channagiri Town, Davangere District” an inexact address implying Adil’s residence but not Lathif Tea Hotel.</p> <p>The FIR neither mentions neither the conduct by Adil constituting the offence nor the exact process that followed including any mention of his death but also his arrival to the police station, and seizure and recovery made from him- common information found in FIRs of such nature.</p>
7.	Hospital Report Date 25/05/24	<p>The cause of death is identified as heart complications caused by aneurysm pending RESL and Histopathological reports. External Examination states that there are no wounds apart from right index finger.</p>

LEGAL ANALYSIS

The deep-seated issues remain at the heart of arbitrary criminalisation, profiling and institutionalisation of the marginalised for committing petty crimes, the result of which has often led to undesirable consequences such as Adil's matter at hand.

The legal issues at hand pertain to the plaguing problems of police custodial death in contravention of the due procedure established in law.

A. CUSTODIAL DEATH OF ADIL

The problem of custodial deaths is as old as the Police brutal force itself. National Human Rights Commission (NHRC) data recorded from the period of April 1, 2020 to March 31, 2022, 4,206 deaths in judicial custody and 278 deaths in police custody across India. Moreover, with the steep rise in custodial/ police deaths, the concerning element lies with the abundant power endowed upon the police to "secure" suspects framed for a petty crime i.e., non-cognizable crime.

Custodial death simply means, death while in custody. This can be judicial custody or Police Custody. It is custodial death even where the deceased was in a private premise or a medical facility and whether the death was directly caused or indirectly. Whether the custodial death is due to torture or due to natural cause is for the inquest proceedings held by the judicial Magistrate to determine Section 174 of the Criminal Procedure Code, 1973 [*hereinafter referred to as "Cr.P.C"*] makes it clear. This is based on the belief that the inmate is the responsibility of the state once the state exercises control over one's personal liberty.

This is an important point to raise because the State Government's first response to the death was to deny that the death was a custodial death. The Chief Minister the day following the death said to the media, "Police are at fault, but it is not a lockup death. I have enquired into it." In our interview with her, Davangere Superintendent of Police, Uma Prashanth said Adil was not arrested but rather, Adil was *just secured* by the Channagiri Police for allegedly contravening Section 78(3) of the Karnataka Police Act, 1963. In the interview and prior, she has gone back and forth between admitting that Adil was in custody and that he was not. In a statement to the press, she had said "Adil who was taken into custody for an investigation in a gambling case and he was in the station for a few minutes."¹

¹<https://www.newindianexpress.com/states/karnataka/2024/May/25/chaos-erupts-in-davanagere-after-police-custody-death-cm-siddaramaiah-orders-suspension>

Matka Gambling

The offence that Adil was alleged to have committed was conducting Matka Gambling criminalised by Section 78(3) of KP Act, 1963. The Section reads:

*“..... Whoever is found gaming on any of the objects specified in sub-section (1) in any public street or thoroughfare or in any place to which the public has or are permitted to have access shall, on conviction be punished with imprisonment which may extend to **three months** or with fine which may extend to three hundred rupees, or with both.”*

As the foundational criminal jurisprudence goes, a crime for which imprisonment extends up to three months *only* in prison or with a fine extending up to three hundred rupees is neither a serious nor grotesque action but a deviation from the normal course of societal life.

Arrest When and How Made - Arrest Amounting to Illegal Arrest

Section 41 of the CrPC tells when a Police Officer may make an arrest. It reads:

41. When police may arrest without warrant.—(1) Any police officer may without an order from a Magistrate and without a warrant, arrest any person—

- (a) who commits, in the presence of a police officer, a cognizable offence;
- (b) against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that **he has committed a cognizable offence** punishable with imprisonment for a term which may be less than seven years or which may extend to seven years whether with or without fine, if the following conditions are satisfied, namely:—
 - (i) the police officer has reason to believe on the basis of such complaint, information, or suspicion that such person has committed the said offence;
 - (ii) the police officer is satisfied that such arrest is necessary—
 - (a) to prevent such person from committing any further offence; or
 - (b) for proper investigation of the offence; or
 - (c) to prevent such person from causing the evidence of the offence to disappear or tampering with such evidence in any manner; or
 - (d) to prevent such person from making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the police officer; or

(e) as unless such person is arrested, his presence in the Court whenever required cannot

be ensured,

and the police officer shall record while making such arrest, his reasons in writing:

Provided that a police officer shall, in all cases where the arrest of a person is not required under

the provisions of this sub-section, record the reasons in writing for not making the arrest.;

.

.

(2) Subject to the provisions of section 42, no person concerned in a non-cognizable offence or against whom a complaint has been made or credible information has been received or reasonable suspicion exists of his having so concerned, shall be arrested except under a warrant or order of a Magistrate.”

As clear above, arrests can be made by a Police Officer without a warrant issued by a Magistrate only in case of a Cognizable Offence and if a few other additional conditions are present. Section 41(2) provides a bar on arrest for non-cognizable offences. In fact, under the IPC, non-cognizable offences are defined as those where the Police cannot arrest without a warrant from a Magistrate. These principles are retained in the Bharatiya Nagarik Suraksha Sanhita, 2024.

“Part II - Classification of offences against other Laws” of Schedule-I of the CrPC states “If an offence is punishable with imprisonment **for less than 3 years**”, then the offences manifest into a non-cognizable offence.

Peculiarity of the Karnataka Police Act, 1963

In a peculiar twist, Section 88 of KP Act 1963, endows the power upon the Investigating police officer to arrest an accused in a non-cognizable offence. The relevant section is produced below:

Section 88. Power to arrest without warrant persons gaming in public places.—A police officer may arrest and search without warrant, any person gaming or reasonably suspected to be gaming in contravention of sub-section (3) of section 78 or section 87.

Addressing the Overlap

The overlapping of that, an offence being non-cognizable and the K P Act, 1963 legitimizing the arrest without a warrant leads to one possible result viz., mass incarceration without due procedural protocol. Paying heed to the legal gap at hand, the

pressing question was addressed by the Hon'ble High Court of Karnataka in Moin Basha Kurnooli v. State of Karnataka [2015 CriLJ 982]. The following questions were answered:

Q1. Whether Sec. 78(3) of the K.P. Act, is a cognizable offence or non cognizable offence, in view of the power of arrest without a warrant provided under Section 88 of the said Act?

Para 42.: “Therefore, that may be the reason, under the Police Act especially the police are empowered to arrest a person without a warrant, that does not mean to say, the power of arrest is given to the police under peculiar circumstances as noted above can convert a non-cognizable offence into a cognizable offence so as to obviate the other procedural mandates of the law.”

“Therefore, agreeing with the above-said rulings of the Hon'ble High Courts of Delhi, Calcutta and Andhra Pradesh, I hold that the power of arrest u/s. 88 of the K.P Act is only a power of arrest given to the police under peculiar circumstances and u/s. 78(3) of the Act under special circumstances, and the said power of arrest is not a general power of arrest so as to draw an inference that the Police Officer is authorized to arrest a person in any other law for the time being in force as contemplated u/s. 2(c) of the Code in order to bring Sec. 78(3) of the KP Act under the category of cognizable offences. **Therefore, the offence under Section 78(3) of the KP Act shall be categorized as a non-cognizable offence as per the II Schedule of Cr.P.C.**”

Q2. Whether the investigation done by the Police Officer is violative of Sec. 155(2) of Cr.P.C.?

Para 48.: “Therefore, in view of the above rulings and the tone and tenor of Sec. 155(2) of Cr.P.C., I am of the considered opinion that the investigation done in these cases is seriously vitiated by incurable defect and the investigation itself is illegal and the same is not tenable.

In conclusion, the overlap has been harmoniously addressed in a line of judgements deeming offence under Section 78 (3) to be a “non-cognizable” offence while contemporaneously upholding the unique power endowed upon the Police u/s 88 valid w.r.t to arrest in “peculiar circumstances”.

- a. Therefore, when the SHO of the police station receives a report regarding the commission of an offence under 78(3), it is his duty to enter the substance of the information in the prescribed book and
- b. Refer the informant to the Magistrate as required under Section 155(1) of Cr.P.C.

For the sake of argument alone, let's consider that Adil was "secured" under peculiar circumstances as contemplated by the law, if that is the case would the said arrest of Adil amount to a legal arrest? No.

Though the Investigating Police officer has the power to arrest the accused under section 78(3) of the KP Act, 1963 in peculiar circumstances, such arrest must be made with the due procedure of law.

Section 41B of CrPC answers how an Arrest is supposed to be made. We have reproduced this below:

Section 41B. The procedure of arrest and duties of the officer making an arrest.—Every police officer **while making an arrest** shall—

- (a) bear an accurate, visible and clear identification of his name which will facilitate easy identification;
- (b) prepare a memorandum of arrest which shall be—
 - (i) attested by at least one witness, who is a member of the family of the person arrested or a respectable member of the locality where the arrest is made;
 - (ii) countersigned by the person arrested; and
- (c) inform the person arrested, unless the memorandum is attested by a member of his family, that he has a right to have a relative or a friend named by him to be informed of his arrest.

DK Basu Guidelines:

The relevant standard set of guidelines during an arrest is produced below.

(2) That the police officer carrying out the arrest of the arrestee shall prepare a memo of arrest **at the time of arrest** a such memo shall be attested by at least one witness.

.

.

(6) An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is.

It has not been the Police's case that the formalities of an arrest were followed. Therefore, perhaps the reluctance to call it "arrest". No official documents refer to the bringing of Adil in the Police Station as an arrest, nor was there an arrest memo amongst the documents sent to the Magistrate and retrieved from courts. In fact the SP

denied that there was any paperwork at the time other than the NC Report. It is apt to produce relevant exchanges the fact-finding team had with the SP, Davangere.

From the Team's interview with the Davangere SP on 21.06.2024

FF Team: "Was he picked up? Was he arrested?"

SP: "**It is not actually arrested.** He is secured. Because when our person has gone there, they saw him playing."

FF Team: "Where was this ma'am?"

SP: It was in town only, Channagiri.

FF Team: No, was he at home or outside.

SP: He was outside.

FF Team: "So he wasn't arrested of course. How did he come to the police station? What was the process under which he was brought?"

SP: Our people brought him. In our vehicle only.

FF Team: What may have been the paperwork?

SP: That is the NC case that has been registered. After taking the permission of the Magistrate....

FF Team: If this was a cognizable case, there would have been an FIR and there would have been an arrest. This was an NC case, what may have been the paperwork for him to be brought [to the Police Station]? Was it a notice under Section 41A?

SP: See we have secured, arrest is what? Even touching his body is arrest. If you are bringing him it also amounts to arrest. And after the amendments, those cases under 7 years arrest is not mandatory and you can give 41A [notice]. **But here in all the matka gambling cases, we will bring them to the police station** and after that we will leave them on station bail.

FF Team: Is that a problem for it to not have a paper backing? If it was arrest, there would be an arrest memo.

SP: No no not arrest. **We have secured him.** We need to inquire na what has happened. Those chits were there with him. It is an inquiry thats it.

Other comments by Davangere SP Uma Prashanth and Chief Minister Siddaramaiah also point to the grey area in NC cases and procedural informality that the Police seems to be exploiting in gaming cases i.e. effecting an arrest for practical purposes but without following due process.

Chief Minister's Statement to Press:

"The accused used to get fits. **That's why I said that summoning him to the police station was wrong. The Deputy SP and police inspector have been suspended because without FIR no one can be brought to the police station,...** **The accused should have been sent back after inquiry** and he should not have

been detained at the police station.... Police are at fault, but it is not a lockup death. I have enquired it.” the CM said.²

Davangere SP Uma Prashanth to press:

“Adil who was taken into custody for an investigation in a gambling case and he was in the station for a few minutes.”³

This must not be allowed because the safeguards for the arrest exist to precisely to avoid situations such as the present where an accused person dies in custody.

As the courts have laid down that there needs to be fine tune balance, the conditions under 41(1) apply to cognizable offences, primarily because law (Cr.P.C) does not contemplate police having to use their discretion (rather than a Magistrate’s) to arrest persons in non-cognizable. Still, where law allows arrest in NC cases, such as under KPA, provision must be read harmoniously with Section 41 of CrPC and every arrest for an offence punishable by seven and less years must strictly be only for grounds stipulated, have the police record reasons in writing and follow DK Basu Guidelines.

Read along with the contradictory documentation and statements of the State Authorities relating to the place and timing of the arrest, the same raises concerns over the authenticity of the facts rendered by the public authorities.

Even if the allegation of the Police is that he collapsed within 6 minutes inside the station after he was “secured”. It is not satisfactory to have the person brought to the police station and then make an arrest memorandum u/s 41B (b) Cr.P.C but rather a memorandum **has to be made at the time of the arrest and signed by the witness then and there.** Drawn from the testimonies, none of the family members nor the general public were informed about the arrest of Adil. It is stated that they received a call from the Police out of the blue regarding his death. The same call instructed them to rush to the concerned hospital where Adil’s body was taken for post-mortem. Once the family had identified the body, a complaint of unnatural death was lodged by the family against the Police Officers. The inquiry into custodial death was transferred to CID (Criminal Investigation Department), Bangalore, and as on 28.08.2024, over 3 months after the death, the inquiry is still not concluded.

²<https://indianexpress.com/article/cities/bangalore/karnataka-custodial-death-police-station-vandalised-9351027/>

³

<https://www.newindianexpress.com/states/karnataka/2024/May/25/chaos-erupts-in-davanagere-after-police-custody-death-cm-siddaramaiah-orders-suspension>

B. COMPENSATION AND REMEDY

State's Liability

It is State's unassailable duty to protect the life and personal liberty of any person, fundamental rights enshrined under Art. 21 of the Constitution of India and not deprived any person of these rights except in accordance with the procedure established by law. The Supreme Court of India also recognises State's liability for breach of this duty identifying the category of 'Constitutional Torts' that the State can be responsible for. This has been used time and again to check violations of human rights by the State and a remedy in public law has so been devised.

It was in Rudul Sah v. State of Bihar & Anr. [AIR 1983 SC 1086] where monetary compensation as a remedy in public law against violations of the State was first granted by the apex court under its writ jurisdiction provided in Art. 32 of the Constitution to give relief to a person kept under illegal detention for 14 years after his acquittal. It stated: "In these circumstances, the refusal of this Court to pass an order of compensation in favour of the petitioner will be doing mere lip service to his fundamental right to liberty which the State Government has so grossly violated."

This remedy was resorted to in Sebastian M. Hongray v. Union of India & Ors. [AIR 1984 SC 1026] when the Supreme Court directed the Union of India to pay 'exemplary costs' to the wives of two persons who were found to have died in the custody of the Army. An important discussion ensued on the question of disputed facts. The court made it clear that in the exercise of its writ jurisdiction, the concern was not to identify the perpetrator of the crime or the person or persons responsible for the disappearance which is left to be determined by a proper police investigation. It was enough for the court to be satisfied that prima facie, the offence had been committed.

Expanding the understanding on this kind of remedy under public law, the court in Nilabati Behara v. State of Orissa & Ors. [AIR 1993 SC 1960] case said that the claim for compensation is based in strict liability of the State for violation of fundamental rights guaranteed by it.

Compensation by the Human Rights Commission

Separately from Constitutional Tort, the power of Human Rights Commissions to order for compensation comes from Section 18 of the Protection of Human Rights Act, 1993.

18. Steps during and after inquiry.—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 a 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;

This power to order the State Government and the Police Department to pay compensation in case of custodial deaths rests with both the National Human Rights Commission and the State Human Rights Commissions and has been upheld by the Supreme Court and the High Courts several times.

C. CASES AGAINST THE PROTESTORS AND ARREST

The case of the Channagiri Police is that, as soon as the news of Adil's death in custody spread, the members of the village marched towards the Channagiri Police Station and went on a rampage. They pelted stones at the station and damaged the police vehicles. A total of 11 members of Police officers were hurt. Subsequent 6 different FIRs were filed against some accused and mostly unnamed accused. In total 47 individuals from Channagiri, Honnebagi and Khazi Mohalla were arrested over the next few days.

With a stark difference from the above narration, one can draw from the testimonies that assert, that only after the police lodged a lathi charge and shot air bullets the people started pelting stones. The affected families of the arrestee even state that the arrest was made in contravention of the set procedure in law.

Due process safeguards for these accused were also abridged during their arrests. No families seemed to have arrest memorandums for the arrests, and at least the first 26 accused arrested were produced before the Magistrate at midnight. This is not illegal but irregular. However this ensured that the accused did not have a lawyer present during their hearing. The remand orders do not mention their presence or even such a lapse. It is important that accused persons and their counsels have access to FIR at this point and the counsels are given a hearing. This was most recently affirmed in Prabir Purkayasta v. State (NCT of Delhi) [2024 INSC 414].

D. LAPSES IN THE INQUIRY PROCESS

On 25.05.2024, upon a letter by Adil's father, Kalimullah an Unnatural Death case with UDR No. 17/2024 was registered in the file of Channagiri Police Station. SP Davangere told us it was an investigation into this UDR that was transferred to the CID.

The normal procedure in case of a custodial death is a magisterial inquiry under Section 176 of CrPC. The Magistrate while carrying it out has all powers that they have while inquiring into an offence including examination of witnesses for instance. According to

sub-section (4), “Where an inquiry is to be held under this section, the Magistrate shall, wherever practicable, inform the relatives of the deceased whose names and addresses are known, and shall allow them to remain present at the inquiry.”

However, it is known that the Magisterial inquiry was closed after the Post-Mortem Report indicated no custodial violence and the death to be from heart failure, and the Magistrate did not examine witnesses or hold an actual inquiry.

Arguably letter written by Adil's father and information given by the family to the Police did make out an allegation of a cognizable offence and this should have been registered as an FIR but perhaps the Police wanted to make sure that there was a wrongdoing by the Police officers and then register an FIR.

What the CID is presently carrying out even on this data three months after the death resides in a grey area but perhaps can be considered a preliminary inquiry.

FINDINGS OF THE TEAM

The Shortcomings of the Karnataka Police Act, 1963

Section 78(3) of the Karnataka Police Act, 1963 states that anyone found gaming in public places may be punished with imprisonment or a fine or both. Such a minor offence is categorized as a non-cognizable offence under the CrPC, meaning an arrest cannot be made without a warrant from a Magistrate. However, Section 88 of the Karnataka Police Act endows police with the power to arrest without a warrant for non-cognizable offences, creating a legal overlap. The High Court of Karnataka has ruled that the power of arrest under Section 88 does not convert a non-cognizable offence into a cognizable one, and procedural mandates must still be followed. Therefore, the Investigation Officer had a legal duty to mandatorily arrest Adil with the due procedure of law.

Procedural Lapses in Adil's Arrest

Registering an NC Case and acknowledgement, securing his presence, and recording the arrest must follow strict procedures to ensure the rights of the accused. Procedures intended to protect the rights of the accused and prevent violations must be adhered to strictly. The flouting of procedures that assure a person's rights is tantamount to violating those rights. The state must take responsibility for the lack of documentation and procedural lapses, or these protections will become meaningless. Irrespective of the supposed cause of death, it is important to remember this was a death while Adil was in custody, and the state, which held him, should take responsibility for the repercussions of his death. As of 28.08.2024, in a conversation with the staff of CID, the fact-finding team has learnt that the investigation is still under process.

Place of Arrest and its Contradictions

While the NC credibly states that he was found to be conducting matka in his housing premises, the FIR points to the same. The contradiction lies in the Panchanama, which puts forth that he was "secured" in Santhe Bedi near Lathif Hotel. During the team's conversation with SP Davengere, an assertion as to "He was secure from the circle, market circle" was stated which was then retracted when reminded that the FIR notes the location to be is home. An individual eyewitness in conversation with the team reiterated to have seen Adil picked up near the Lathif hotel.

Absence of Key Footage and the Denial of Footage under RTI Act

Notably, we were told that there is no CCTV camera overseeing the exact location where Adil was present when he collapsed. CCTV cameras allegedly only show the entrance to the said room where he was. The Supreme Court in Parambir Singh Saini v. Baljit Singh had directed that every police station must have multiple CCTV cameras

installed so “no part of a Police Station is left uncovered.” The absence of the footage of the location is convenient for the Police Department, and Adil being brought to the exact location where there was no CCTV camera itself raises strong suspicions of some wrongdoing.

The veracity of the assertion of two factual connotations viz., the sudden collapse of Adil within minutes of the arrest in the Police Station and the arrest of the protestors after identifying them in the CCTV footage depends upon the availability of the Station’s footage of the entrance to the said room. The team to ascertain the facts at hand filed an RTI seeking a copy of the audio and video footage from all CCTV Cameras installed in and outside the Channagiri Police Station for 48 hour period between 24.05.2024 to 26.05.2024.

The said footage is no doubt a public document in law and is not an exception under RTI. The Apex Court has laid down the principle that a Police Station must maintain the footage for 18 months necessarily consisting of Audio and Video.

The RTI was transferred from the SP’s office to the Channagiri Police Station, the former refused to pay heed to the calls and queries of the team. The said RTI is kept under abeyance.

Denial of Timely Justice to Adil’s Family

Adil who was a woodworker is survived by his immediate family members, his wife and two minor children. Adil was the sole breadwinner of the family. Owing to his unfortunate passing the wife and the minor children are constrained to their in-law’s house in Channagiri. The wife bemoans stating that in no capacity the State has approached her to provide help.

On the other hand, the family has been compelled to set off the current issue at hand with a meagre settlement instead of legal compensation and a thorough investigation.

After three months of the death, CID’s inquiry into the question of whether this is an offence and a fit case for an investigation itself is not complete.

The Fact-Finding team has learnt that until this day, Heena has not been offered any compensation.

Mass Arrest in Contravention to the Due Procedure Established in Law.

The testimonies above set forth that the case of pelting stones was a boomerang effect of the Police lodging a lathi charge and shooting air bullets at members who assembled to enquire about the custodial death. The immediate arrest of 47 people as suggested by the Police is based upon the evidentiary value of the CCTV footage. An accurate answer cannot be drawn out here as to the reason that the Police Station of Channagiri has kept the team’s RTI request under abeyance.

Some testimonies said that the Police circulated a list of names, which included some common names without could not exactly identify the person of interest. We could not rule out mistaken identity. It was told to us that some people were asked to come to the Police Station and they would be let go off if their faces were not in the footage. Allegedly, people were taken into custody when they turned up at the station even when their faces were not in the footage.

Though for the sake of argument alone, even if we were to assume that all 47 members were arrested for the offences levelled against them, the arrest of the accused was not done in consonance with the due procedure of law. None of the family members said they were provided with an arrest memorandum- compulsory under law. Certain family members strongly asserted that the seizure of vehicles was done and the same was released without the paperwork. Importantly, others claimed violence in custody including beatings with lathis. The fact that the first 26 people were produced before the Magistrate in the midnight hearing itself is irregular when they could have been produced during the normal working hours of the Court. Thus none of the accused had lawyers represent them during these midnight hearings and this denial of the opportunity of being heard through a counsel is a violation of their due process rights.

While all the 47 persons are reported to have obtained bail, for many this has been after several months of incarceration and deprivation of personal liberty.

IMMEDIATE DEMANDS

In the light of the above matter, the Fact-Finding Team unequivocally demands hereunder:

1. **Monetary Restoration:** The State must take full accountability and responsibility to compensate for the illegal custodial death by awarding Rs. 15 lakhs [Rupees Fifteen Lakhs Only] to the family of the Victim along with the guarantee of a government job for his wife. This amount will ensure financial support for the family's immediate needs including the cost of education for Adil's children.
2. **Fair, Speedy and Transparent Trial:** Police must be held accountable immediately for Adil's death in their custody.
 - a. It is a trite law that justice delayed is justice denied. It is demanded from the CID that the investigation be conducted in a fair and transparent manner as soon as possible.
 - b. Facts regarding the time and place of arrest must be ascertained and any false information entered in the NC, FIR, Panchnama and other police documentation must be met with stringent action against the concerned police officials.
3. **Quash the FIR & Proceedings against peaceful protestors:** Proceedings and FIRs against those who were peacefully protesting, and those who were not present at the site of the protest, must be immediately quashed. Legal compensation must be awarded to those who were wrongfully detained.