

**Before the Maharashtra State Commission for
Protection of Child Rights.**

**Enquiry, under section 13(1) & 14 of the child
right protection act, 2005**

Case No. 119 / 2012-13

**Childline ... Complainant
Government of Maharashtra Respondent No.1
V/s**

This matter has brought before the Commission by Mr. Vijay Kharat, coordinator Childline. In the Complaint it is alleged that while removing the encroachment at Kannamwar nagar, Vikroli on 16/11/11, 25 to 30 pits having 6 to 8 feet depth and 500 to 700 feet length have been constructed on the encroached site, to stop further encroachment. Later on these pits were filled up, by the sea water during the high tide. On 19/11/2013 at 9.00 a.m. Mr. Jayesh Mohite aged 1 $\frac{1}{2}$ years had fallen into one pit and died, the death of child was happened due to negligence committed by the Government department, therefore father of the child has filed a complaint against collector, deputy collector and other officers who were either present on the spot during removal of encroachment or by whom order anti encroachment drive was carried on, under

various section of Indian Penal Code and the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989.

2. The police inspector, vikroli has submitted a report before the Commission. According to the report investigation in this matter is going on, however Section 299 of I.P.C. and Section 6 of Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 is deleted from the F.I.R. and now investigation is going on, under Section 304(A) of I.P.C.

3. The report submitted by the police department reveal that investigation in this matter is going on under Section 304(A) of I.P.C. therefore at this moment the Commission cannot make any recommendation however the State Government is directed to issue a circular after mentioning that proper care and precaution should be taken during the anti encroachment drive.

By order and seal of Commission.



(A.N.Tripathi)

I.F.S.

Secretary

Maharashtra state commission for
protection of child rights