

13/19.10.2022

This proceeding was initiated on intimation received from the Superintendent, Central Jail, Motihari regarding custodial death of U.T.P. Chhotu Singh @ Rohit Singh while in custody of Central Jail, Motihari.

On perusal of the record copies of, following reports are found available from before:-

1. Copy of Health Screening of prisoner on admission into the prison.
2. Copy of Detail Report of Jail Superintendent
3. Copy of complete treatment record of the prisoner inside the jail and outside
4. Copy of Inquest Report
5. Copy of Post Mortem Report along with CD
6. Copy of Magisterial Enquiry Report

In compliance of order dated 16.08.2021, Medico legal opinion of Dr. Manoj & HoD, Department of Forensic Medicine & Toxicology, AIIMS had already been received (page 70-72/c)

Response of NoK of the deceased prisoner/convict had also been received (page 85-86/c).

Report of Investigation Division of BHRC had also been received (page 89-90/c)

In the meantime office had brought on record a web copy of order dated 30.06.2022, passed in a similar proceeding by NHRC in case No. 2316/4/8/2020-JCD, relating to custodial death of deceased prisoner Chhotu Singh @ Rohit Singh, from perusal of the same, it appears that NHRC had passed the following order:-

The matter relates to death of one under trial prisoner Chotu Singh @ Rohit Singh S/o Shivendra Singh, aged 34 years, on 27-7-2020, while he was in the judicial custody of Central Prison, Motihari, District East Champaran, Bihar. Taking cognizance of the matter on 30.8.2020, the Commission directed the District Magistrate, District East Champaran Bihar, the Superintendent of Police, District East Champaran Bihar and the Superintendent of Prisons, Central Jail, Motihari, District East Champaran, Bihar to send the reports, within eight weeks, as per SOP framed by the Commission for cases of judicial custody deaths. Vide direction dated 5.4.2021 the matter was referred to DG(1), NHRC for analysis of the reports available on record and submit its findings for consideration of the Commission. Pursuant to the direction of the Commission, the Investigation Division of NHRC, after analysis of the case file, has submitted that the deceased namely Chhotu Singh @ Rohit Singh was admitted into Central Jail-Motihari on 25/11/2019 and died during treatment at Sadar hospital Motihari on 27/07/2020. During



stay in the jail, he suffered pleural effusion on right side, cough and fever. He was provided regular treatment for his illness. Inquest report and post mortem report do not show any injury mark on the body of the deceased. As per post-mortem report, the cause of death of the deceased was coma due to chronic lung and heart disease. The Magisterial enquiry was conducted by judicial magistrate 1st class, Sadar, Motihari, East Champaran, Bihar who examined treating doctors, autopsy doctors, police personnel, family members and perused relevant documents. Treating doctors stated that the deceased was suffering from cough and fever, his treatment started from 07/07/2019 and he was also sent to Sadar Hospital Motihari for better treatment, various pathological test were conducted, corona test was conducted which gave negative result but he had pain in chest and had difficulty in breathing. The deceased was admitted in Sadar Hospital, Motihari from 09/07/2020 to 27/07/2020 for treatment of his ailments. On 27/07/2020, the deceased suddenly collapsed and died. the treating doctor of Sadar hospital Motihari Dr. Avdesh Kumar and Nagmani Singh have explained the protocol followed in his treatment. The family member (Brother) of the deceased stated that the deceased died due to infection in his lungs and his life could have been saved if provided proper treatment. However, based on the statement of experts and documents enquiry magistrate concluded that the deceased died due to diseases and did not pointed out any foul play or negligence in the death. The Commission has considered findings of the Investigation Division and the reports available on record and independently observes that death of the prisoner in the instant case was on account of coma due to chronic lung and heart diseases and prima facie there doesn't appears to be a violation of the human rights of the deceased in this matter as the medical treatment record, post-mortem report and magisterial enquiry reports are not revealing any foul play or medical negligence in the instant matter. Based on the same, the Commission is of the view that there are no reasons to have an opinion contrary to the findings of the Investigation Division of NHRC and thus, it directs its Registry to close the instant case. CD, if any, may be returned back to the State Authorities.

Investigation Division of BHRC after securitizing the materials available on record concludes as follows:-

Based on the perusal of the records like Treatment records, Inquest, Magisterial Enquiry Report, PM report and Expert Medical opinion we are of the view that the U.T.P. died due to Septicemia due to Lung infection leading to 'Acute Respiratory Distress Syndrome' (ARDS). There seems to be no negligence on the part of jail administration in extending medical help to the deceased U.T.P. the brother of the deceased has however claimed before the Enquiry Magistrate that the life of the U.T.P. could have been saved if timely and proper treatment would have been made available to commission from the family members of the deceased in this regard. Even in his supplementary report after

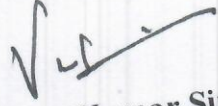


receipt of response from NoK of the deceased prisoner. Investigation Division of BHRC is of the opinion that there is no head of further interference.

Even in his supplementary report after receipt of response from NoK of the deceased prisoner the Investigation Division of BHRC is of the opinion that there is no need of further interference.

As such considering the order of NHRC and Investigation Division of BHRC, the State Commission is not inclined to proceed further in this proceeding.

Accordingly this proceeding is closed.

  
(Justice Vinod Kumar Sinha, Retd.)  
Chairperson