

FILE NO. 1434/4/26/2020-JCD

17-06-2022

This proceeding was initiated on an intimation received from SSP, Patna regarding the custodial death of under trial prisoner LalanManjhi aged about 41 years of Model Central Jail, Beur, Patna during treatment at PMCH on 19-02-2020.

Taking cognizance of the matter this proceeding has been initiated.

It appears that a similar proceeding was also initiated with respect to custodial Under Trial death of prisoner LalanManjhi of Model Central Jail before NHRC in case No. 625/4/26/2020-JCD, but the same has been closed keeping in view the pendency of present proceeding before the State Commission.

On perusal of the material available on the record, it appears that at the time of admission in the jail, the deceased Under Trial Prisoner was found to be normal. Later on he was suffering from cough, cold and fever, treated in jail hospital and on 19-02-2020 he was referred to PMCH by Jail Doctor as his condition deteriorated, where he died on the same day at 11:13 am.

Cause of death is mentioned in inquest report as "Death due to Disease".

No external injuries were found during post mortem and cause of death is mentioned as disease (Natural Death) in the post mortem report.

It further appears from the materials available on the record that a judicial inquiry was also conducted and wife and son of the deceased were also examined during judicial inquiry. On perusal of magisterial inquiry report, it appears that the wife and son of the deceased under trial prisoner have not complained anything against Jail Administration. The Magistrate after inquiry found no administrative lapse in the treatment of the deceased under trial prisoner by jail or health authority.

Opinion of Dr.Binay Kumar Additional Professor, Department of FMT AIMs, Patna is also available on the record, and he opined as follows:-

1. The patient died due to disease of lungs.
2. Not any element of administrative and medical negligence can be found.

This file was referred to Investigation Division of the State Commission, who on the perusal of the materials available on record is of the opinion that deceased Under Trial Prisoner LalanManjhi died due to disease of lungs (Natural Death). There is nothing on record to suggest any element of medical or administrative negligence on the part of Jail Administration.

Considering the entire discussions made above, there are consistent finding of learned magistrate conducting inquiry, the Investigation Division of the State Commission supported by post mortem report and Medico legal opinion of Dr. Binay Kumar that the deceased Under Trial Prisoner died due to disease of lungs and there is no element of medical or administrative negligence on the part of jail administration.

However an application had been filed by the wife of deceased under trial prisoner alleging that the administration has created false report showing death of her husband natural and taken his LTI on blank papers on plea to provide amount of relief to her. She also alleged in order to screen the lapses and torture death of her husband has shown as natural.

As discussed above the statement of wife and son of the deceased has been recorded by the learned Executive Magistrate, she made no complaints against Jail Administration.

On the other hand post mortem report and Medico legal opinion clearly demonstrate that the deceased Under Trial Prisoner died due to disease. No evidence of any lapses under part of Jail Administration or the Doctors has been brought on record. As such merely on the plea that the deceased died due to lapses on the part of Jail Administration, the Jail Administration and Medical Administration cannot be held liable rather as discussed above as per the finding of inquiry Magistrate and Investigation Division of State Commission that there is no element of lapses and negligence who found against the Jail Administration and Medical Administration.

Accordingly, I agree with the findings of the Investigation Division and the proceeding is closed.

Case diary, if available on record, be returned to the Jail Administration.

(Justice Vinod Kumar Sinha, Retd.)
Chairperson

