

FILE NO. 6450/4/26/20-JCD

27-06-2022

This proceeding was initiated on receipt of information from Superintendent Camp Jail Phulwarsharif regarding Custodial Death of Under Trial Prisoner Rajesh Pandey of Camp Jail during treatment at PMCH on 29/11/2020.

After taking cognizance of the information, reports/documents as per guidelines of NHRC has been called for.

It further appears from perusal of record that a similar proceeding relating to custodial death of Under Trial Prisoner Rajesh Pandey of Camp Jail Phulwarsharif has also been initiated by NHRC and Vide order dated 21-01-2021 passed in Case N. 242/4/26/2021 JCD the above proceeding was closed, in view of pendency of proceeding before the State Commission.

As per Post mortem examination some abrasions and bruises were found on the person of deceased UTP, Subdural haematoma was seen on the frontal and partial area and cause of death was shown as due to cardio-respiratory distress resulting from distress resulting from disease of heart and lung. Injuries are ante-mortem caused by hard and blunt substance not sufficient to cause of death.

Whereas magisterial enquiry report concludes that the prisoner died during the course of his treatment at PMCH. No administrative or Medical lapse was shown in the magisterial enquiry report. Though it disclosed that wife of UTP alleged that her husband has beaten up due to which he died but MER disclosed that during enquiry she admitted that her husband was addicted to alcohol.

Dr. Binay Kumar Additional Professor of Forensic Medicine and Toxicology Department AIMS Patna has also opened that the patient died due to Alcohol Withdrawal Syndrome. He was also of the opinion that no any element of Medical or Administrative negligence could be found.

The Investigation Division of the State Commission has also analysed the materials as mentioned above as well as the petition filed by the wife of the deceased, and enquiry report of Joint Secretary Excise and registration as well as also examining the doctors who have medically examined the UTP during his stay in jail and also the status report of Alamganj PS Case No. 317/21 registered on the basis of complained made by wife of the

deceased UTP in the court in which after investigation SDPO Patna City recommended for submission of final report citing lack of evidence, Investigation Division had come to following opinion.

“Based on the perusal of the records like Inquest, Magisterial Inquiry Report, PM report and Expert Medical Opinion, statements of doctors of Jail and also perusal of report of JS Excise GoB we are of the opinion that the UTP Rajesh Pandey s/o Triloki Pandey, 32/M, R/o Village: Gaighat Khadakuan Ward No. 53, PS: Alamganj, Distt: - Patna, died due to complications of Alcohol Withdrawal. The symptoms and signs exhibited by the deceased before his death are typically found in cases of sudden withdrawal of alcohol which can turn fatal in some cases. There is nothing on record to suggest any elements of medical or administrative negligence on the part of Jail Administration.

Submitted for kind perusal and necessary orders please.”

From the entire discussions made above and also on independent scrutiny of materials by the State Commission, no doubt some bruises and abrasions are found on the person of deceased UTP but cause of death has been found due to complications of Alcohol Withdrawal Syndrome and Magisterial Enquiry Report, opinion of Binay Kumar an expert in department of FMT as well as Investigation Division are consistent in their finding that no element of administrative and medical negligence was found.

There is nothing contrary available on the record to differ with the aforesaid finding of the Investigation Division.

Accordingly, death appears to be due to alcohol withdrawal syndrome and there is no element of administrative or medical negligence in death of deceased U.T.P. As such this proceeding is closed.

CD of Post Mortem if available on the record be returned to the Jail Administration.

(Justice Vinod Kumar Sinha, Retd.)
Chairperson