

File no 6128/4/2020 JCD

06.06.2022

This proceeding relates to custodial death of prisoner Shivdhari Sah while in custody of Central Jail, Motihari.

Almost all the relevant reports in the light of guidelines issued by the NHRC has been received. Opinion of Dr.Binoy Kumar Addition of Professor Forensic Medicine and Toxicology Department has also been received (page 113 to 114/c) and report of investigation Division of State Commission has also been received (page 123 – 124/c).

It further appears that the proceeding earlier pending before NHRC regarding death of convict prisoner Shivdhari Sah has been closed by NHRC vide order dated 10.02.2021 passed in Case no. 516/4/8/2021 JCD, under section 36(1) of the PHR Act 1993 due to pendency of present proceeding before The State Commission.

On perusal of the records, it appears that convict prisoner Shivdhari Sah aged about 81 years, died during treatment on 09.11.2020 at Sadar Hospital, Motihari while he was in custody of Central Jail Motihari. At the time of his entry in Central Jail on conviction no abnormality was detected during his health screening. It was mentioned in inquest report that death was due to disease. Post-mortem report does not disclose any external injury on his body and opinion regarding cause of death is mentioned as Chronic Cardio Pulmonary disease. It further appears that during Magisterial Inquiry 9 witnesses were examined including the wife of the deceased but they did not complain anything suspicious. The learned Magistrate in his conclusion found that the deceased prisoner died due to Chronic Disease during treatment and not found any suspicion activity.

Dr.Binoy Kumar Additional professor of FMT AIIMS, Patna, opined as follows:

- 1.“The patient died due to Chronic Cardio Pulmonary disease.
- 2.No any element of medical or administrative negligence could be detected.
- 3.The investigation division of The State Commission has also analysed the material available on the records and come to following conclusion;

Based on the perusal of the records like Inquest, Magisterial Enquiry Report, PM report and Expert medical opinion, we are of the opinion that the

convicted prisoner Shivdhari Sah S/o Mangal Sah, 81/M died of natural causes due to COPD and old age. There is nothing on record to suggest any element of medical or administrative negligence on the part of Jail administration in this case. Submitted for kind perusal and necessary orders.”

On perusal of the documents that is inquest report, post-mortem report, magisterial inquiry report, opinion FMT expert and conclusion of investigation Division they are consistent that deceased died due to Chronic Cardio Pulmonary disease and there is no element of Medical or Administrative negligence on the part of jail administration.

There is nothing contrary to the above finding available on the record. Even the wife of the deceased convict prisoner, examined during Magisterial Enquire has not disclosed anything contrary to the above finding. In spite of opportunity to the NOK of the deceased provided for filing response the neither he/she/they appear nor any response was brought on the record.

Accordingly in the present proceeding, death of deceased prisoner was due to Chronic Cardio Pulmonary disease and no element of medical or administrative lapses are found in his death.

As such this proceeding is closed. CD if available on the record, be return to the jail Administration.

(Justice Vinod Kumar Sinha, Retd.)
Chairperson