

पत्रांक - 10967

दिनांक - 05/07/2022

पृष्ठ 196/पृष्ठ

- पृष्ठ 196/पृष्ठ के आलोक में मृत्युबंदी के परिजन से Response प्राप्त है।
- पृष्ठ 198-197/पृष्ठ पर Joint Enquiry report of ADGP & Registrar BHRC रक्षित है।

कृपया अवलोकनार्थ एवं आदेशार्थ

09.22

दीपक
04/09/2022

निबंधक

माननीय अध्यक्ष
File No. - 2460/4/26/2020-JCD

12.09.2022

An intimation was initiated on intimation received from the Senior Superintendent of Police Patna regarding custodial death of convict prisoner Videshi Yadav aged about 80 years while in custody of Model Central Jail, Beur, Patna during treatment at PMCH on 09.05.2020.

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

1. Copy of Health Screening of prisoner on admission into the prison (page 9/c)
2. Copy of Detail Report of Jail Superintendent (page 10-12/c)
3. Copy of complete treatment record of the prisoner inside the jail and outside (page 13-18 & 119-151/c)
4. Copy of Inquest Report (page 20/c)
5. Copy of Post Mortem Report along with CD (page 19/c & 116 /c)
6. Copy of Magisterial Enquiry Report (page 53-72/c)

After receipt of above report/documents the State Commission had also sought opinion of Dr. Binoy Kumar, Additional professor, Department of FM & T, AIIMS, Patna on custodial death of deceased of convict prisoner and same had also been received (page 155-157/c).

As per Medico legal opinion, Dr. Binoy Kumar after perusal of above documents/reports is of opinion that

- "1. The patient died due to liver disease and complication.
2. No, any element of Medical or administrative negligence could be found from available documents."

Investigation Division of BHRC had also critically examine materials and submit report. Investigation Division is also of following view:-

Opinion of Investigation Division

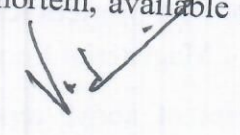
Based on the perusal of the records like Inquest, Magisterial Enquiry Report, Postmortem and Expert Medical opinion, we are of the view that the convicted prisoner Videshi Yadav S/o Late Lal Yadav, 80/M, R/o Vill- Chirayatar, P.S. Dhanarua, District Patna died of complications arising out of chronic liver disease. There is nothing on record to suggest any element of medical or administrative negligence on the part of Jail or hospital administration in this case.

Above findings are based on documents available on the record including postmortem report and Magisterial Enquiry Report.

On examination of materials available on the record, I find nothing available on the record to come to a finding other than that of Investigation Division of BHRC. On the contrary on perusal of copy of Magisterial Enquiry Report, it appears that son of the deceased convict prisoner was also examined but he did not suspect any foul play and admit that his father had liver disease. Even inspite of notice issued to NoK of deceased convict prisoner Videshi Yadav, neither anyone appear to participate in enquiry nor any material is brought on record to show foul play or negligence on the part of Jail or medical Administration in the custodial death of convict prisoner.

As such it is apparent that the deceased convict prisoner Videshi Yadav died due to complication of liver disease during treatment at PMCH and there is no any element of negligence or lapses in custodial death of convict prisoner either on the part of Jail or Medical Administration.

Accordingly this proceeding is closed. CD of postmortem, available on the record, be returned to the Jail Administration.


(Justice Vinod Kumar Sinha, Retd.)
Chairperson