

23.02.2023

This proceeding was initiated on intimation received from the Superintendent, SKB Central Jail, Muzaffarpur regarding custodial death of convict Chandreshwar Mandal @ Chana Mandal while in custody of SKB Central Jail, Muzaffarpur during his treatment at SKMCH.

Cognizance was taken on 19.08.2020

During enquiry, copies of, following reports are made available:-

1. Copy of Detail Report of Jail Superintendent
2. Copy of treatment record of the prisoner inside the jail and outside
3. Copy of Inquest Report
4. Copy of Post Mortem Report along with CD
5. Copy of Histopathological Examination Report
6. Copy of Final Cause of Death Report based on FSL Report
7. Copy of Magisterial Enquiry Report

Opinion of Forensic Medicine Expert Dr. Binay Kumar Additional Professor, Department of Forensic Medicine & Toxicology, AIIMS, Patna had been obtained.

Investigation Division of BHRC had also submitted its opinion.

Inspite of issuance of notice to the NOK of the deceased providing, an opportunity to submit his/her/their response, neither anybody appeared nor any materials were brought on the record.

It appears from perusal of record that similar proceeding relating to custodial death of convict Chandreshwar Mandal @ Chana Mandal while in custody of SKB Central Jail, Muzaffarpur, pending before NHRC in Case No. 1618/4/23/2020-JCD has been closed as the State Commission had taken cognizance, prior to NHRC.

Investigation Division, on perusal of materials on record like copies of Inquest, MER, PMR, HPE Report, Expert Medical opinion and other materials is of opinion that the deceased convict Chandreshwar Mandal @ Chana Mandal died due to lungs and heart disease. It is also of opinion that no element of negligence on the part of Jail or hospital administration is available on the record.

Doctor conducting postmortem was also of opinion that cause of death is disease of lungs but it had been mentioned in PMR that final opinion to be given after receipt of Viscera Report.

Record further disclosed that after receipt of Histopathological Examination Report, Final Cause of death is said to be Disease of lungs and heart.

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Forensic Medicine Expert Dr. Binay Kumar is also of similar opinion so far cause of death is concerned and he is also of opinion that no any element of Medical or administrative negligence could be found from documents available on the record.

Ld. Magistrate also after enquiry concludes that the prisoner died due to disease of lungs which was natural death. No any foul play was suspected in the death.

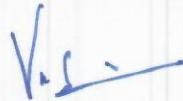
From the discussions made above I found that there are consistent findings available on the record to show that the deceased convict Chandreshwar Mandal @ Chana Mandal died due to disease of lungs & heart and there is not element of negligence available on the record either against Jail Administration or Hospital administration

Inspite of notice to NOK of the deceased nothing on contrary to above findings has been brought on the record.

As such apparently the deceased convict Chandreshwar Mandal @ Chana Mandal died due to disease of lungs & heart. There is no negligence or laches on the part of Jail Hospital Administration.

Accordingly this file is closed.

CD of postmortem, available on the record, be returned to the Jail Administration.

  
(Justice Vinod Kumar Sinha, Retd.)  
Chairperson