

File No.210/4/6/2021-JCD

16/27.02.2023

Cognizance was taken on intimation received from the Superintendent District Jail, Ara regarding custodial death of U.T.P. Mana Yadav while in custody of District Jail, Ara on 09.01.2021 and this proceeding was initiated.

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

1. Copy of Health Screening of prisoner on admission into the prison.
2. Copy of Detail Report of Jail Superintendent.
3. Copy of complete treatment record of the prisoner inside the jail and outside.
4. Copy of Inquest Report.
5. Copy of Post Mortem Report along with CD.
6. Copy of FSL report
7. Copy of Final Cause of Death Report based on FSL Report.
8. Copy of Magisterial Enquiry Report.
9. Copy of Additional Report regarding final cause of death

Opinion of Forensic Medicine Expert Dr. Binay Kumar was also called for who submitted his interim report suggesting final opinion regarding cause of death can be given only after examination of Medical officer conducting postmortem.

Accordingly notice was issued to the Doctor conducting postmortem and after his appearance, final opinion was given.

Opinion of Investigation Division of BHRC had also been obtained and kept on record.

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

It appears from perusal of record that a similar proceeding relating to custodial death of U.T.P. Mana Yadav while in custody of District Jail, Ara, pending before NHRC in Case No. 297/4/6/2021-JCD has been closed under section 36 (1) of PHR Act 1993.

Investigation Division after considering the copy of Inquest Report, PMR, Treatment Records Health Screening Performa, Expert Medical opinion and other materials available on the record is of following opinion:-

Deceased prisoner Mana Yadav died due to some preexisting heart disease The Health Screening Performa of U.T.P. was filled perfunctory without any systematic examination. To this extent doctors at Jail Hospital are failed in their duty, however, it cannot be said that the life of U.T.P. could have been saved if the doctors had done their duty diligently.

Doctor conduction postmortem had not found any external injuries over dead body of deceased U.T.P. Mana Yadav and he could not find any definite cause of alone. However after receipt of FSL Report, Final opinion regarding cause of death is mentioned as sudden heart attack.

Forensic Medicine Expert Dr. Binay Kumar is also of similar opinion as death due to disease of heart.

Learned Magistrate after enquiry also concludes that the prisoner died naturally due to sudden heart attack while on way to Sadar Hospital for treatment.

However Forensic Medicine Expert and the Investigation Division both are of the opinion that there is nothing available on the record to suggest any element of negligence on the part of Jail or Medical administration.

Inspite of issuance of notice neither anyone appeared on behalf of the deceased prisoner nor any materials were brought on the record contrary to above findings.

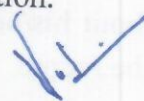
As such apparently the deceased U.T.P. Mana Yadav died due to heart attack and there is no negligence of Jail administration of Medical administration in his death.

However as pointed out by Forensic Medicine Expert and Investigation Division, the Jail administration is required to fill up Health Screening Performa at the time of his admission after systematic examination.

As such transmitting a copy of order to the I.G. Prisons & Correctional Services for information and for issuance of specific guidelines to the Jail Superintendents.

Accordingly with above recommendation, this proceeding is closed.

CD of postmortem be returned to the Jail Administration.



(Justice Vinod Kumar Sinha, Retd.)
Chairperson