

07.02.2023

This proceeding was initiated on intimation received from the Superintendent, Model Central Jail, Beur, Patna regarding custodial death of convict prisoner Premdhar Rai aged about 64 years while in custody of Model Central Jail, Beur, Patna during treatment at PMCH.

Cognizance of the same had been taken on. 04.01.2022

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 Histopathological Examination Report (if any).
7. Copy of Final Cause of Death Report based on FSL Report.
8. Copy of Magisterial Enquiry Report.

In compliance of earlier order, opinion of Forensic Medicine Expert Dr. Binay Kumar Additional Professor Department of Forensic Medicine & Toxicology, AIIMS, Patna had been received.

Similarly opinion of Investigation Division of BHRC had also been received.

It appears from perusal of record that similar proceeding relating to custodial death of convict prisoner Premdhar Rai while in custody of Model Central Jail, Beur, Patna, pending before NHRC in Case No. 53/4/26/2022-JCD has been closed under section 36(1) of PHR Act 1993. (Page 67-69/c)

On close scrutiny of materials available on the record, it appears that no external injuries were found on the person of the person of deceased convict during postmortem. However right side intracranial blood and blood clots extending to ventricles were noticed cause of death was found to be intracerebral haemorrhage (Natural disease process). However final opinion was kept reserve till receipt of H.P.E. report.

After receipt of H.P.E. report, in which features of Hepatitis with areas of regeneration was mentioned. On the basis of H.P.E. report cause of death is said to be Intracerebral and intracranial haemorrhage (Natural disease)

Forensic Medicine Expert Dr. Binay Kumar is also of opinion that the patient died due to intracerebral and intracranial haemorrhage and its complications. He is also of opinion that no any element of medical or administrative negligence could be found.

Record further disclosed that a Magisterial enquiry was also conducted and Learned Magistrate after enquiry concludes that the prisoner died due to intracranial and intracerebral bleeding (Natural death).

Magisterial report also disclosed that he had examined six witnesses during enquiry including son of the deceased who made no complain.

Investigation Division after perusal of the above material and also after perusal of other material available on the record had also come to the conclusion that the deceased convict Pramdhar Rai died due to intracerebral and intracranial haemorrhage and its complications as a result of long standing hypertension (Natural death). It is also of opinion that there nothing on record to suggest any element of medical or administrative negligence on the part of Jail Administration.

Considering the discussions made above, it is clear that there are consistent findings that the deceased convict died due is Intracranial and intracerabral haemorrhage and there is no any element available on the record to suggest any negligence on the part of the Jail Administrative.

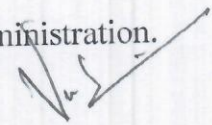
Inspite of issuance of notices, neither any on appeared to assist the commission on behalf of the deceased convict nor any materials were brought on the record to show any allegation or complain against Jail Administration Rather as discussed above, son of the deceased convict was examined during enquiry but he made no complain against Jail Administration and he had admitted that his father was not well and he was under treatment at IGIC & PMCH.

Hence there is absolutely nothing available on the record to differ with above consisting finding of Investigation Division, Ld. Magistrate FM expert & PM Report.

As such it is apparent that the deceased convict Premdhar Rai died due to Intracerebral and intracranial haemorrhage (Natural disease) and there is no any element of negligence on the part of Jail Administration or Medical Administration available on the record.

Accordingly this file is closed.

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



(Justice Vinod Kumar Sinha, Retd.)
Chairperson