

**BEFORE**  
**TRIPURA HUMAN RIGHTS COMMISSION**  
**KUNJABAN, AGARTALA**

**Complaint No.13 of 2020**  
**(Suo-Motu Cognizance)**

**In connection with death of UTP Sujit Gour**  
**of Kuchainala, Kamalpur.**

**FINAL ORDER DATED 18.06.2022**

This case was initiated by the Commission after taking Suo-Motu cognizance on the news item published in 'Syandan Patrika' dated 24<sup>th</sup> August, 2020 captioned "কমলপুর জেলে বিচারাধীন বন্দির রহস্য মৃত্যু". In the news item, it was reported that one Sujit Gour aged about 42 years of village Kuchainala under Kamalpur PS was arrested by the police on 23.08.2020 in the morning at around 9:00 AM on the strength of warrant of arrest issued by the court in connection with a domestic violence case lodged by his wife against him in the year 2011. After arrest of the accused, he was forwarded to the Court and he was remanded to judicial custody. He was sent to Kamalpur Sub-Jail on 23.08.2020 at around 7:00 PM. However, on way to jail he fell sick. Then he was brought to Kamalpur Hospital for treatment where the doctors on duty, after examining him declared him as brought dead.

2. Asstt. Registrar (Law), NHRC after taking cognizance of the complaint lodged by one Dhankumar dated 31.08.2020 asked for an action taken report vide its e-mail dated 09.10.2020 addressed to the D.M. Dhalai, Tripura, SP Dhalai, Tripura, Superintendent, Kamalpur

Sub-Jail. NHRC also requested to communicate whether THRC has already taken cognizance or not on the said complaint. Accordingly, the OSD, THRC vide its no. THRC/2020/1404 dated 16.10.2020 addressed to the Asstt. Registrar (Law), National Human Rights Commission, New Delhi informed that in connection with the custodial death of UTP Sujit Gour, THRC had taken cognizance vide its order dated 24.10.2020 under complaint no. 13 of 2020.

After our letter dated 16.10.2020 addressed to the Assistant Registrar (Law) NHRC, we have not received any further communication from them. In this case, THRC has taken cognizance of the matter much before the NHRC. The inquiry conducted by the THRC has been completed in all respects. As such, the Commission feels it appropriate to pass the final order in the matter.

3. After taking cognizance, the Commission directed the I.G. Prisons, Tripura to furnish a detail report in the matter mentioning all facts. The DGP, Tripura was also directed to submit a detail report. At the same time, the investigation Wing of THRC was also asked to submit a detail report. Accordingly, the I.G Prisons, submitted a report on 11.11.2020 vide no. F.X-591/IGP/2020/4818-23. The I.G. Prisons, intimated that a detail inquiry was made by the Superintendent, Kamalpur Sub-Jail regarding the death of Sujit Gour. According to the report of Superintendent, Kamalpur Sub-Jail, on 23.08.2020 evening, after the Ld. Court of Judicial Magistrate, First Class ordered the judicial custody of accused Sujit Gour S/O Sri Dhrubaraj Gour of Kuchainala under Kamalpur PS in the Kamalpur Sub-Jail, the health of the accused person

deteriorated on way to the Kamalpur Sub-Jail. The physical condition of the accused was so critical that he could barely stand and laid down on the ground. As the Kamalpur Jail authority did not receive any court orders/ guidelines regarding the serious health condition of the accused person, as such the Ld. Judicial Magistrate 1<sup>st</sup> Class was contacted over mobile phone and as per the verbal order of Ld. Court, the accused person namely: Sri Sujit Gour was shifted to the nearest hospital for medical examination and treatment. On being taken to the B.S.M Hospital Kamalpur, the accused was declared dead by the medical officer in-charge of the said hospital. It was further mentioned that accused person was taken to B.S.M Hospital for medical treatment by the court police in their van, before being taken over by the jail authorities. The report of I.G. Prisons claimed that technically it was not a case of custodial death. However, the I.G. Prisons further mentioned that as per decision taken in the departmental review meeting on 26.08.2020, the Director of Health Services was asked to inquire regarding the health check-up/medical examination of Sujit Gour who expired on 23.08.2020 at Kamalpur within a short time of being medically examined and ordered to jail custody by the Ld. Court of Judicial Magistrate, 1st Class Kamalpur in connection with case no. PRC-265/2011.

4. The Sub-Divisional Medical Officer, Kamalpur, Dhalai Tripura submitted a report to the Director of Health Services on 26.09.2020 regarding the death of Sujit Gour. During his inquiry, he examined Dr. Jashim Debbarma, EMO on duty who had examined Sujit Gour on

23.08.2020 at about 11:35 AM on receipt of prayer from Kamalpur PS and his statement was recorded on 25.09.2020. In his statement Dr. Jashim Debbarma stated that :

*“During my duty hour on 23.08.2020 @ 11:35 AM I had received a prayer for medical examination of above said name from Kamalpur PS with Ref no. GR-183/11(PRC-265/11) U/S0498 (A)/494 IPC.*

*On medical examination I had found patient was complaining body pain, his vitals was stable, smell of alcohol was highly positive from his mouth but he can take care of himself. Then I was treated him conservative way with Tablet. Antacid & Tab. Ibuprofen 400mg”.*

Similarly, Dr. Partha Sarkar, Medical Officer, BSM Hospital who was also examined by the SDMO, Kamalpur, in his statement, stated as follows :

*“With due respect, I Dr. Partha Sarkar would like to inform you that one brought dead person namely Sujit Gour, C/O Dhrubaraj Gour, R/O Kuchainala, Kamalpur PS, Dhalai Tripura came in BSM Hospital emergency ward on 23.08.2020 at 7.00 AM, while I was on duty. Patient was referred by Sub-jailor, Kamalpur Sub-Jail, Dhalai Tripura (Patient Code No. PRC-265/11 (GR-183/11) dated 23.08.2020 as per sick register page No. 99) and patient was brought by Sri Krishna Dhan Debnath, C.T.S.I, Kamalpur Police Court. After physical and clinical examination I found-pupils were fixed, dilated & not reacted to light. BP, PR, SPO2 all are not recordable and which is brought dead and informed to the escorting C.T.S.I at 7:50 PM on 23.08.2020. Police information sent to Kamalpur P.S.*

*As per the new guideline of PM Examination Ref. No. F.46 (12)-PD.2019 dated 22.01.2020 ordered by Home Department, Government of Tripura, PM examination cannot be conducted in BSM Hospital as there is no required facility is available. So the deceased body was sent to AGMC and GBP Hospital for PM examination".*

5. After death of Sujit Gour, due to non-availability of facility at BSM Hospital Kamalpur, his P.M. examination could not be conducted there. But body of Sujit Gour was taken to AGMC & GBP Hospital, Agartala where a team of doctors conducted P.M. examination which was video graphed. As per the final P.M. examination report, submitted by Dr. Pradipta Narayan Chakraborty, Asst. Professor, Deptt. of Forensic Medicine & Toxicology, AGMC & GBP Hospital Agartala :

*"The cause of death in this case is shock resulting from multiple injuries. All the injuries (both external and internal) mentioned in the report are ante mortem in nature and fresh in duration at the time of death. However, viscera have been preserved to rule out any concomitant poisoning or intoxication".*

Later viscera was seized by the I/O of the case and sent to Director, TSFSL, Narsingarh, PTA Complex, West Tripura for expert opinion. Smt. Monica Debbarma, Sr. Scientific Officer of Toxicology Division opined that:

*"Negative for the presence of common organophosphorous, Organochloro, Carbamates, Pyrethroids group of pesticides Benzodiazepines, Barbiturates group of drugs and Ethyl alcohol".*

6. The DGP, Tripura in compliance to the order of THRC submitted a detail report regarding death of Sujit Gour on 08.02.2021. As per the report of the DGP, Tripura on 23.08.2020 at about 1020 hrs, a telephonic information was received at Kamalpur PS that warrantee namely, Sujit Gour (32), S/O Sri Drubaraj Gour of Kuchainala PS Kamalpur who was absconding from Kuchainala for a long time, came to the locality and was creating nuisance under influence of liquor. This refers to KMP PS GDE No. 10, dated, 23.08.2020. On this, Kamalpur PS staff led by W/ASI Amita Tripura left for the spot about 7 KM S/E from Kamalpur PS to verify the information.

On reaching the spot, the PS team found the said person being manhandled by the public on the alleged ground that he was creating nuisance in the locality under intoxication. The PS staff immediately took him to their custody and also arrested him at spot as there was an old non-Bailable Warrant of arrest (NBWA) pending against him at Kamalpur PS vide case No. 88/2011 dated 11/08/2011 U/S 498 (A)/494 of IPC and having GR-183/11 (PRC-256/11) U/S 498 (A) /494 of IPC.

On way to Kamalpur PS, his medical examination was arranged at Kamalpur BSM hospital with information that he was manhandled by the public at Kuchainala. The attending doctor opined that the patient was conscious and having body pain, smell of alcohol highly positive, can take care of himself and vitals stable. Subsequently, Sujit Gour was forwarded to the Ld. Court of the Judicial Magistrate 1<sup>st</sup> class, Kamalpur, Dhalai Judicial District.

On his production in the Court, Ld. JM 1<sup>st</sup> Class, Kamalpur, remanded said accused Sujit Gour to judicial custody till 31.08.2020. Accordingly, he was sent to Kamalpur Sub-Jail along with parowana from the Court. When the warrantee was produced at Kamalpur Sub-Jail, he was feeling uneasy and his physical condition was deteriorating. The Jail authority did not accept him and then the Police Court SI Krishnadhan Debnath informed the matter to Ld. JM 1<sup>st</sup> Class and the Magistrate instructed over phone to arrange his medical treatment at BSM Hospital. In the process of arranging his medical treatment and shifting to Hospital, the warrantee collapsed. When he was brought to the hospital, the attending doctor declared him dead.

On the basis of above written information received by the PS, one UD case was registered at Kamalpur PS vide Kamalpur PS UD case no. 2020KMP023, dated 23.08.2020 U/S 174 Cr.PC and its investigation was endorsed to SI Jakir Hossain of Kamalpur PS. The inquest over the dead body of Sujit Gour was conducted at BSM Hospital, Kamalpur by Executive Magistrate Sri Chandrajoy Reang in presence of the relatives of deceased namely: Smt Satyalakshi Gour (50) W/O Lt. Lakshiram Gour Sri Joy Narayan Ahir S/O Lt Sitaram Ahir, Sri Prasenjit Gour (22) S/O Lt. Lakshiram Gour, the attending doctors and the IO of the case SI Jakir Hossain. The inquest was covered by videography.

Subsequently, on 23.08.2020 W/ASI Anita Tripura had submitted a Suo-Motu complaint to the Officer-In-Charge of Kamalpur Police Station to take necessary legal action against unknown public of Kuchainala who had manhandled said Sujit Gour on 23.08.2020 morning

at Kuchainala. A case was registered at Kamalpur PS on this complaint vide case No. 2020KMP040 date 23.08.2020 U/S 341/325/34 of IPC and SI Bidyut Kr. Bhowmik of Kamalpur PS was endorsed to investigate into the case.

During investigation, IO of the case arrested three persons namely: (i) Biplab Das (26) S/O Sri Lalit Das, Kuchainala Gour Para PS KMP (ii) Bidhu Malakar @ Biswa (30) S/O Sri Bichitra Malakar, East Kuchainala, Gour Para, PS KMP (iii) Bikash Malakar (29) S/O Sri Bichiitra Malakar of East Kuchinala, Gour Para PS KMP and forwarded them to the LD. Court.

Later, as per order of the Dy. Secretary, O/O the Home Department, Govt. of Tripura vide letter no. F.21(4)PD/2020(MI)/3474 dated 09.10.2020, I/O submitted a prayer in the Ld. Court of SDJM, Kamalpur to arrange for Judicial Inquiry U/S 176 (1A)Cr.PC in c/w the death of Lt. Sujit Gour, S/O Sri Drubaraj Gour of Kuchainala PS Kamalpur, Dhalai Tripura. Accordingly, the Magisterial Inquiry regarding death of Sujit Gour has started in the Ld. Court of Judicial Magistrate 1<sup>st</sup> Class, KMP.

7. The Investigation Team of THRC conducted a thorough inquiry in the matter of death of UTP Sujit Gour and submitted its report to the Commission on 30.03.2020. During inquiry, the team visited the PO and examined a number of relevant witnesses including the doctors who attended the UTP Sujit Gour in Kamalpur Hospital and who conducted P.M. over the dead body in GBP Hospital and recorded their statements.

According to the report of Investigation Wing, it revealed that on 23.08.2020 at about 0930 hrs a telephonic information was received at Kamalpur PS that one warrantee namely: Sujit Gour (32) S/O Sri Dhrubaraj Gour of Kuchainala, PS Kamalpur, absconding from Kuchainala area for a long time, had come to the locality and was creating nuisance under the influence of liquor (This refers Kamalpur PS GD entry No. 10 dated 23.08.2020). On this information, Kamalpur PS staff led by W/ASI Amita Tripura left for the spot to verify the information. On reaching the spot, Police team found the said person being manhandled by the public of Kuchainala for creating nuisance under heavy intoxication. The PS staff immediately took him to their custody and also arrested him on the spot in connection with non-Bailable Warrant of Arrest (NBWA) pending against him at Kamalpur PS case no. GR-183/11 (PRC-256/11) U/S 498 (A) 494 of IPC. Medical examination was arranged by W/ASI Amita Tripura at Kamalpur BSM SD Hospital with information that he was manhandled by the public of Kuchainala. Dr. Jashim Debbarma, MO examined him and opined that the patient was conscious and having body pain, smell of alcohol highly positive, could take care of himself and vitals were stable. Subsequently, the W/ASI Amita Tripura forwarded the arrested warrantee to the Ld. Court of JM 1<sup>st</sup> Class Kamalpur with the warrant. W/ASI Amita Tripura in the forwarding letter to Ld. Court clearly mentioned about Sujit Gour being manhandled by the local public of Kuchainal and his medical treatment at Kamalpur BSM SD Hospital. On production of Sujit Gour, Ld. Court 1<sup>st</sup> Class Kamalpur passed an order to remand him in judicial

custody. Accordingly, on 23.08.2022 at about 1745 hrs the said arrested warrantee Sujit Gour was sent to Kamalpur Sub-Jail by police vehicle escorted by constable Ajit Das and Constable Amarendra Paul of Kamalpur Police Court. On way to Kamalpur Sub-Jail, health condition of the warrantee deteriorated. On reaching Kamalpur Sub-Jail, the staff of Sub-Jail noticed that the physical condition of warrantee was critical and so, they did not receive him from Kamalpur Police Court staff and they directed the escorting Police Court staff for arranging his immediate medical treatment. Thereafter the escorting Police staff informed the matter to SI Krishnadhan Debnath duty officer of Kamalpur PS over phone and he reached there and arranged for shifting him to Kamalpur BSM SD Hospital. On reaching Kamalpur BSM SD Hospital at about 1905 hrs, the attending Dr. Partha Sarkar, EMO declared him dead.

8. During inquiry by the Investigation Wing of THRC it further revealed that about 2 months ago before the death of Sujit Gour, he had returned to his house at Kuchainala. Most of the time, he used to be under the influence of liquor and quarreled with the villagers without any cause. On the alleged day i.e on 23.08.2020 morning from 0800 hrs about 25 MG REGA workers of Kuchainala area were working in the betel nut plantation of Sri Bikash Malakar of Kuchainala village. About two hours later, Sujit Gour appeared at the working place in highly intoxicated condition and raised objection on REGA work. Over that issue, hot altercation took place between Sujit Gour and local public of Kuchainala. Subsequently, the villagers assaulted him and detained him and informed the local Police Station (Kamalpur). The police staff of Kamalpur PS

rushed to the spot and arrested warrantee Sujit Gour on the strength of warrant of arrest and took him to their custody.

9. During investigation, it was also found out that deceased Sujit Gour was born in a poor family and was the only son of his parents. His father Sri Dhrubaraj Gour is a day labour by profession. Deceased Sujit Gour's mother Malati Gour expired when he was very young. After his mother expired, he was not having good relationship with his father. For this reason, his father abandoned him and started living in different places for earning his livelihood. At present, he is staying and working in the house of one Sri Dulal Deb Roy of Maracherra Bazar under Kamalpur PS. Due to poverty, deceased Sujit Gour, from his early days, worked as daily labour in different parts of Kamalpur and got married with the daughter of one Sri Khirmohan Namasudra of Kuchainala village. Because of his mental and physical torture his wife was forced to leave him. Deceased Sujit Gour married more than once in different places but names and particulars of his wives could not be collected from the villagers during local enquiry. After his 2<sup>nd</sup> marriage, his 1<sup>st</sup> wife lodged complaint against him in Kamalpur PS and due to the outcome of this case, a warrant of arrest was issued against him from the Ld. Court of Kamalpur vide case no. GR183/11(PRC265/11) U/S 498 (A)/494 IPC for causing his arrest and appearance before the Court. For evading police arrest he had absconded from the area. On 23.08.2020 evening he had succumbed to his injuries in police custody as he was manhandled by the public of Kuchainala village on 23.08.2020 morning.

10. From the inquiry reports submitted by the SDMO Kamalpur, the Directorate of Health Services, Govt. of Tripura, the I.G. Prisons, the DGP Tripura and the Investigation Wing of THRC, it appears that deceased Sujit Gour, S/O Sri Dhrubaraj Gour against whom a Non-Bailable Warrant of arrest was pending, in connection with Kamalpur PS case no. 2020KMP040 U/S 498 (A)/494 IPC was detained by a mob at Kuchainala on 23.08.2020 when he was creating nuisance under the influence of liquor. When he was being manhandled by the public, Kamalpur PS staff came to the spot and took him to Kamalpur PS after freeing from the public. From Kamalpur PS, he was sent for medical examination to the hospital and the attending doctors, after examining him, opined that :

*"the patient was conscious and having body pain, smell of alcohol highly positive, can take care of himself and vitals stable".*

11. Then the police produced him before the Judicial Magistrate, 1<sup>st</sup> Class who remanded him to judicial custody. When he was being taken to Kamalpur Sub-Jail, he was feeling sick and his condition became so critical that the jail authority did not accept him and informed the Judicial Magistrate 1<sup>st</sup> Class over mobile phone about this who ordered verbally to take the accused to hospital. Accordingly, Sujit Gour was taken to Kamalpur hospital but after examining him, Dr. Partha Sarkar declared him as brought dead. The final P.M examination was done in GBP Hospital by a team of doctors. Final P.M report and viscera report from the department of Forensic and Toxicology, AGMC & GBP Hospital show that Sujit Gour died due to multiple injuries, ante mortem in nature

and there was no evidence of concomitant poisoning or intoxication. A specific case was registered on the death of Sujit Gour vide Kamalpur PS case no. 2020KMP040 dated 23.08.2020 U/S 341/325/304/34 IPC, in which three suspects were arrested and the case is under investigation.

In view of the above facts we find no violation of human rights of Sujit Gour either by any public servant or due to any sort of negligence on the part of a public servant. As such there is nothing to interfere from the Commission.

In the result the case is closed.

12. Copy of this order be sent to the Secretary, Home Department, Govt. of Tripura for information.

13. Further, a copy of this order be sent to the Chief Secretary, Govt. of Tripura and the DGP, Tripura for information.

14. A copy also be sent to Smt. Malati Gour W/O Lt. Sujit Gour of Kuchainala for information.

  
(S.C. SAHA)  
MEMBER

  
(JUSTICE S.C. DAS)  
CHAIRPERSON

  
(B.K. RAY)  
MEMBER