

FORM NO.II

TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN : AGARTALA

ORDER SHEET

Complaint No. 02 of 2023

SL. NO.	DATE	ORDER	NOTE
10	29.09.2023	One under-trial prisoner namely: Md.Muslim Shiek, S/O Lt. Arab Ali Shiek of Vill: Maheswar Pasha, PS: Doulat Pur, Dist.: Khulna, Bangladesh was in custody in connection with West Agartala PS Case No.200WAG144 U/S 3 of IPP Act and he was admitted at Kendriya Sansodhanagar on 06.09.2022. On 07.01.2023 he had fallen ill and was referred to Sub-Divisional Hospital, Bishalgarh on the advice of M/O Kendriya Sansodhanagar Hospital and from Bishalgarh Sub-Divisional Hospital he was referred to AGMC & GBP Hospital, Agartala. While he was under treatment at AGMC & GBP Hospital, Agartala on 09.01.2023 at about 3:50 AM he died. Since Md.Muslim Shekh died while in custody, it was report by Kendriya Sansodhanagar, Bishalgarh to the State Human Rights Commission and the Commission vide order dated 10.01.2023, directed I.G. Prisons to submit detail report including the final postmortem report of the deceased. After the death of Md.Muslim Shekh, Bishalgarh PS UD Case No.2023/BLG/004, dated 29.01.23 U/S 174 of Cr.PC was registered and one ASI Pradip Natta was	



appointed as I/O of the case. He collected preliminary postmortem report and also collected the sample of viscera of the deceased for sending it to SFSL for examination and report and he was supposed to send the SFSL report to AGMC & GBP Hospital for preparation of final postmortem report.

Though all other reports were received by the Commission in the meantime, even after repeated letters/reminders sent by the I.G.Prisons, the final PM report not yet received only because of SFSL report which has not been collected by the I/O of U/D case and therefore the final PM report could not be prepared and sent by the concerned Medical Officer.

The disposal of the case is pending only for the receipt of final PM report.

The Commission has passed repeated orders to expedite the submission of SFSL report to the Medical Officer of AGMC & GBP Hospital and copy of the orders were sent to OC, Bishalgarh as well as SP, Sipahijala.

It appears from the report of ASI Pradip Natta and Inspector Tapash Das (O/C) that both of them carefully did not mention the date of collection of Viscera from the Forensic & Toxicological Department of AGMC and GBP Hospital. They only mentioned the date of sending of the Viscera to SFSL on 11.08.2023.



It reveals from the record that PM was done on the body of Lt.Md.Muslim Sheik on 15.01.2023 and the sample of the viscera was handed over to ASI Pradip Natta on the same date i.e on 15.01.2023. It further appears from the report of ASI Pradip Natta and Inspector Tapash Das, OC of Bishalgarh PS that Viscera was send to SFSL on 11.08.2023 i.e almost about 7 months later from the date of collection of Viscera.

The quality of the Viscera will certainly deteriorate during examination of the same after such long period and in that case the actual report may not be obtained. This is a serious misconduct on the part of ASI Pradip Natta and OC of Bishalgarh, PS.

On the above facts SP, Sepahijala District, Bishramganj was asked to take disciplinary action against ASI Pradip Natta and the than OC Bishalgarh, PS for their serious misconduct and was also asked to take initiative for collection of SFSL report and to send the same to Forensic & Toxicological Department of AGMC & GBP Hospital for collection of final postmortem report based on SFSL report and collection of



the report to send the same to the Commission.

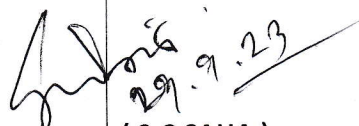
It is important to note that the SP, Sepahijala did not take any action in spite of direction of the Commission vide order dated 29.08.2023 and that amounts to defying and / or ignoring the orders of the Commission.

The Commission is at a loss to appreciate the delay and / or negligence in the matter of taking appropriate action on such a simple issue. This is a case of a foreign national who died while in custody and therefore it has to be disposed of in accordance with law at the earliest. We therefore consider that the matter be taken to the notice of DGP, Tripura to look into the matter so that the SFSL report is collected immediately and it is submitted to the AGMC & GBP Hospital for final PM report.

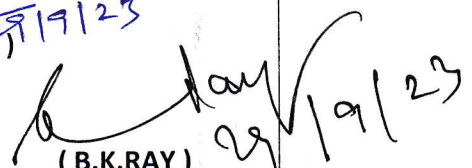
Send a copy of this order to DGP, Tripura to look into the matter and take appropriate action towards disposal of the case by the Commission.

List it after three weeks.

Fix on **31.10.2023**.


(S.C.SAHA)
MEMBER


(JUSTICE S.C. DAS)
CHAIRPERSON


(B.K.RAY)
MEMBER