

BEFORE
TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN, AGARTALA

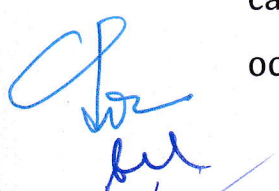
Complaint No. 55 of 2023

In connection with death of UTP Sarban Mahalder
S/O Lt. Baku Mahalder of Parbata, PS- Parbata,
Dist.- Bhagalpur, Bihar.

FINAL ORDER DATED 22.11.2023

This case was registered on receipt of an R/G vide No. F.11 3/KST/BLG/UTP/2023/13428 dated 14.06.2023 from the Superintendent of Kendriya Sansodhanagar, Bishalgarh. The R/G revealed that one UTP Sarban Mahalder was detained in connection with Lefunga PS Case No. 37 of 2023 U/S 20 (c) /25/29 of NDPS Act and then he was admitted at Kendriya Sansodhanagar on 13.06.2023 at about 8:10 PM. On 14.06.2023 morning he fell ill and was referred from KST Hospital to Bishalgarh Sub-Divisional Hospital at about 6:50 AM. Thereafter, as per advice of the Medical Officer of Bishalgarh Sub-Divisional Hospital, he was referred to AGMC & GBP Hospital, Agartala for better medical treatment. On 14.06.2023 at about 7:50 AM while he was under treatment at AGMC & GBP Hospital, Agartala, UT prisoner Sarban Mahalder expired.

2. Since the information given by the Superintendent of Kendriya Sansodhanagar transpired that it was a death of a UTP while in custody, the Commission thought it appropriate to see the cause of death in the circumstances under which the death had occurred. To know the facts, the Commission directed the I.G.



Prisons to submit a detailed report to the Commission covering the following points:-

- (i) A detailed report covering all aspects leading to the death of the prisoner.
- (ii) Initial health screening report of the prisoner for the period under custody.
- (iii) Complete medical treatment report for the period of custody including treatment given as indoor and outdoor patient.
- (iv) Inquest report.
- (v) Post mortem examination report.
- (vi) Videography of post mortem examination.
- (vii) Chemical examination report of viscera.
- (viii) Report with final cause of death based on scientific report.
- (ix) Magisterial Inquiry Report in details of the UD case.

3. From the report dated 14.06.2023, the Superintendent of KST, Bishalgarh submitted to the Sub-Divisional Magistrate, Sadar, Agartala, West Tripura regarding the death of UTP Sarban Mahalder it transpired that said Sarban Mahalder S/O Lt. Baku Mahalder of Parbata, PS-Parbata, Dist.- Bhagalpur, Bihar aged about 88 years who was admitted in Kendriya Sansodhanagar, Tripura, Bishalgarh on 13.06.2023 at about 8:10 PM in connection with Lefunga PS Case No. 37/2023 U/S 20 (C)/25/29 of NDPS Act as per order of the Ld. Special Judge (Court No. 4), West Tripura, Agartala has suddenly fallen in sick on the morning of 14.06.2023 and forthwith taken to KST Hospital and the attending in-charge Medical Officer of KST, Bishalgarh Hospital advised us to send him at Bishalgarh Sub-Divisional Hospital immediately and accordingly the authority of KST, Bishalgarh



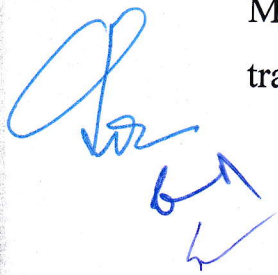
forthwith sent him to above cited hospital from KST, Bishalgarh at about 6:50 AM. Thereafter Medical Officer of Bishalgarh Sub-Divisional Hospital further referred him to AGMC & GBP Hospital, Agartala for his better medical treatment.

After arrival of Sarban Mahalder at AGMC & GBP Hospital, Agartala the attending M.O of AGMC & GBP Hospital, Agartala after examining him declared the said UT prisoner Sarban Mahalder as dead on 14.06.2023 at about 7:50 AM at AGMC & GBP Hospital, Agartala. The death declared certificate was issued by the concerned Medical Officer, AGMC & GBP Hospital, Agartala.

In his report the Superintendent also requested the SDM, Sadar to arrange for PM examination and inquest over the dead body of deceased UTP Sarban Mahalder after arrival of family members at AGMC & GBP Hospital, Morgue, Agartala as per norms. The O/C, Bishalgarh PS was also requested to take necessary action for conducting PM examination and inquest over deceased Sarban Mahalder.

4. The OSD, Nodal Officer, Prison Directorate Agartala, submitted a report to the Commission on 16.08.2023 enclosing Magisterial Inquiry report, Surathal report and PM report in connection with the custodial death of UTP Sarban Mahalder on 14.06.2023 at about 7:50 AM at AGMC & GBP Hospital, Agartala.

5. In this case, Magisterial Inquiry was conducted by Sri Brajendra Tripura, Dy. Collector & Magistrate, Office of the Sub-Divisional Magistrate, Sadar, West Tripura. From his report the following facts transpired:-



UT prisoner namely: Sarban Mahalder (88) S/O Lt. Baku Mahalder of Parbata, PS- Parbata, Dist. Bhagalpur, Bihar was admitted in Kendriya Sansodhanagar, Tripura, Bishalgarh on 13.06.2023 at about 8:30 PM in connection with Lefunga PS Case No. 37/2023 U/S 20 (C)/25/29 of NDPS Act as per the order of the Ld. Special Judge, West Tripura Agartala.

On 14.06.2023 at about 6:15 AM the said prisoner has attended in the Kendriya Sansodhanagar Hospital on emergency basis with the complaint of severe chest pain with difficulty in breathing. Subsequently, the attending in-charge Medical Officer of KST Hospital, Bishalgarh advised to send him at Bishalgarh Sub-Divisional Hospital immediately and accordingly the authority of KST, Bishalgarh forthwith sent him to the Bishalgarh Sub-Divisional Hospital at about 6:30 AM on that day.

Thereafter, the Medical Officer of Bishalgarh Sub-Divisional Hospital further referred him to AGMC & GBP Hospital, Agartala for better treatment.

After arriving at AGMC & GBP Hospital, Agartala on the same day and examination the attending Medical Officer of AGMC & GBP Hospital, Agartala declared the UT prisoner namely: Sarban Mahalder (88) S/O Lt. Baku Mahalder of Parbata, PS- Parbata, Dist.- Bhagalpur, Bihar as expired on 14.06.2023 at about 7:50 AM at AGMC & GBP Hospital, Agartala.

On 14.06.2023, UT prisoner namely: Sarban Mahalder was declared as expired by the attending Medical Officer of AGMC & GBP Hospital, Agartala and subsequently, one R/G message was sent to the Officer-in-charge, Police Wireless Station, Parbata Police Station,



Bhagalpur, Bihar to arrange to inform the family members of said UT prisoner namely: Sarban Mahalder (88).

On 14.06.2023 a detail report regarding death of UT prisoner was sent to the Assistant Registrar (Law), National Human Rights Commission, Manav Adhikari Bhawan, Block -C, GPO Complex, INA, New Delhi-110023 vide R/G message No. 13429 dated 14.06.2023 by the Superintendent, Kendriya Sansodhanagar, Bishlagarh.

On 16.06.2023, Inquest as well Surathal of the deceased was conducted in presence of Sri Bruce Lee Debbarma, Executive Magistrate, Officer of the Sub-Divisional Magistrate, Sadar. On that day, postmortem was also conducted.

Dr. Pradipta Narayan Chakraborty, Assistant Professor and Dr. Pranab Choudhury, Associate Professor, Department of Forensic Medicine & Toxicology, AGMC & GBP Hospital who conducted the postmortem on the body of deceased Sarban Mahalder (88). Regarding the cause of death of deceased Sarban Mahalder (88) S/O Lt. Baku Mahalder they opined:-

“cause of death in this case was kept pending in the PM report till the visceral toxicological analysis and histopathological examination reports are made available”.

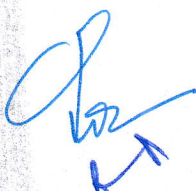
The inference drawn by the officer conducting the Magisterial Inquiry runs as follows:-

“Prima facie, it appears that the deceased UT prisoner namely: Sarban Mahalder (88) S/O Lt. Baku Mahalder of Parbata, PS Parbata, Dist.- Bhagalpur, Bihar felt in sick on 14.06.2023 at about 6:15 AM and immediately attended in the Kendriya Sansodhanagar Hospital emergency with the complaint of severe chest pain with difficulty in

breathing. Subsequently, the attending in-charge Medical Officer of KST Hospital, Bishalgarh advised to send him at Bishalgarh Sub-divisional Hospital immediately and accordingly the authority of KST Bishalgarh forthwith sent him to the Bishalgarh Sub-Divisional Hospital at about 6:30 AM on the day. Subsequently, the above named person brought by the Warders of KST with referral from Bishalgarh Sub-divisional Hospital to AGMC & GBP Hospital for treatment in unconscious state with severe chest pain on 14.06.2023 at 7:50 AM and based upon all clinical and ECG findings the patient has been declared as brought dead by the attending Medical Officer of AGMC & GBP Hospital, Agartala which has been explained to the Jail authority on 14.06.2023 at 7:55 AM. Thus it may be concluded that there is no carelessness from the part of the doctors attending the UT prisoner namely: Sarban Mahalder (88) S/O Lt. Baku Mahalder of Parbata, Dist.- Bhagalpur, Bihar and there is also prima facie no evidence of foul play into the death of the UT prisoner. However, the actual cause of death of the deceased Sarban Mahalder in this case is kept pending till the visceral, toxicological analysis and histopathological examination reports are made available".

6. In this case PM on deceased Sarban Mahalder was conducted by a team of doctors namely: (i) Dr. Pradipta Narayan Chakraborty, Asst. Professor and (ii) Dr. Pranab Choudhury, Associate Professor both are of Dept. of Forensic Medicine & Toxicology, AGMC & GBP Hospital, Agartala.

7. After conducting PM, they gave the following opinion :-



“Opinion regarding cause of death is kept pending till the visceral, toxicological analysis report and histopathological report are made available”.

8. On 10th October, 2023 the I.G. Prisons submitted a further report to the Commission enclosing complete medical treatment report, PM examination report, chemical examination report of viscera and histopathological report in connection with custodial death of UTP Sarban Mahalder. The chemical examination of viscera was conducted by Monica Debbarma, Sr. Scientific Officer-Cum-A.C.L (Toxicology Division). The result of chemical examination of viscera of deceased Sarban Mahalder is as follows:-

Results of Chemical Examination

“The exhibits were suitably extracted and analyzed by Physico-Chemical and Chromatographic (TLC) methods.

TOX/256/23 (A). TOX/256/23 (B) and TOX/256/23 (C) – Negative for the presence of common Organophosphorous, Organochloro, Carbamates and Pyrethroids group of pesticides, Benzodiazepines group of drugs and Ethyl alcohol”.

9. In this case, final opinion regarding cause of death of UTP Sarban Mahalder was given by Dr. Pradipta Narayan Chakraborty and Dr. Pranab Choudhury of AGMC & GBP Hospital, Agartala. Their opinion is quoted as under:-

“Microscopic examination:

Right and left coronary arteries of heart show atheromatous plaque formation, pieces from both lung show features of pulmonary oedema, liver section shows fatty changes along with sinusoidal dilatation and congestion, sections from spleen shows extensive

congestion and narrowing of the white pulp, sections from both kidneys show interstitial vascular congestion and features of acute tubular necrosis, brain shows diffuse oedema with vascular congestion.

Report No.:

SFSL 1080/23/TOX/256/23/7789 Dated 29.08.2023 (Govt. of Tripura, Tripura State Forensic science Laboratory, Narsingarh, Agartala-15).

Result of chemical examination:

Negative for the presence of common, organophosphorous, organochloro, carbamates & pyrethroids group of pesticides, benzodiazepines group of drugs & ethyl alcohol.

Final opinion:-

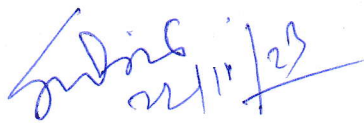
Based on postmortem examination findings, histopathological examination report and toxicological analysis report of the viscera, the cause of death in this case is pulmonary oedema with acute circulatory failure, acute tubular necrosis and coronary artery disease”.

10. From the Magisterial Inquiry report, report of the Superintendent of Kendriya Sansodhanagar, Bishalgarh, report of the I.G. Prisons, visceral examination report from the SFSL and other related reports including the final opinion of the team of doctors conducting PM over the dead body of deceased UTP Sarban Mahalder, it is evident that Sarban Mahalder died a natural death because of pulmonary oedema with acute circulatory failure, acute tubular necrosis and coronary artery disease. There was no violation of human rights of the UTP by any one. As such, the Commission considers it appropriate to close the case at this stage.

11. With the above observations, the case stands disposed of.

12. A copy of this order be sent to the Chief Secretary, Govt. of Tripura, the DGP, Tripura and I.G. Prisons for information.

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

 22/11/23

(S.C. SAHA)
MEMBER

 22/11/23

(JUSTICE S.C. DAS)
CHAIRPERSON

 22/11/23

(B.K. RAY)
MEMBER