

TRIPURA HUMAN RIGHTS COMMISSION  
KUNJABAN: AGARTALA  
PIN - 799006


**Complaint No. 03 of 2024**  
**(Suo-Motu Cognizance)**  
**[Death of UTP Bimal Sarkar of Lankamura, West Tripura.]**

**FINAL ORDER**

**Dated, 20<sup>th</sup> of August 2024.**

This Commission has taken cognizance of this matter on the basis of publication of news item in different daily newspapers of the state on 02/04/2024, wherein, it was reported that while one UTP Bimal Sarkar of Lankamura under West Agartala Police Station had been in judicial custody in connection with a theft case and that because of his illness he was shifted to IGM Hospital, Agartala from Kendriya Sansodhanagar, Tripura, Bishalgarh, Sepahijala District and from there he was shifted to AGMC & GBP Hospital for better treatment. It was also reported that on 01/04/2024 in the morning, the said UTP Bimal Sarkar died in GBP Hospital. Since it was reported that death of the person was caused during his stay in the custody, the Commission considered to take cognizance of the matter and directed the IG (Prisons), Tripura to submit a detailed report along with post mortem and all other medical and scientific reports relating to the death of UTP Bimal Sarkar.

The District Magistrate & Collector, West Tripura and the Superintendent of Police, West Tripura were also directed to inquire into the matter and to submit report before this Commission by 04/05/2024.

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2. In response to the Commission's order dated 04/04/2024, the OSD from the Directorate of Prisons forwarded a report submitted by the Superintendent of Kendriya Sansodhanagr, Bishalgarh, Sepahijala Tripura and that report shows that UTP Bimal Sarkar was never sent to the Kendriya Sansodhanagar, rather he was directly admitted to the IGM Hospital due to his sudden illness at Sadar Police Court lock up and from IGM Hospital he was further sent to AGMC & GBP Hospital on 30/03/2024 for treatment where he expired on 01/04/2024 while under treatment and the DM, West Tripura also forwarded the medical examination report and other reports in connection with the death of the UTP Bimal Sarkar of Lankamura under West Agartala PS.

3. The SP (West) vide his letter dated 04/05/2024 in response to this Commission's order intimated that the SDPO, NCC and O/C West Agartala PS could not complete inquiry due to engagement with the Lok Sabha Elections-2024. Later, on 29/05/2024 the AIGP (Crime) from the office of the DGP, Tripura submitted a report based on the report submitted by the SP (West) Tripura District enclosing report of the magisterial inquiry from the office of the SDM, Sadar, West Tripura.

The report of the magisterial inquiry by the DCM from the office of the SDM, Sadar, West Tripura shows that the deceased Bimal Sarkar of Lankamura under West Agartala PS died due to his physical illness, who had a clinical history of acute alcoholic intoxication and no foul play was suspected during the time of inquiry. It is stated in that report that in this case the custodial death of UTP Bimal Sarkar does not arise as Bimal Sarkar got bail on 30/04/2024 by furnishing bail bond amounting to Rs. 30,000/- with one surety by the order of Ld. Court of Judicial

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Magistrate 1<sup>st</sup> Class, Court No. 2, Agartala and after he was released on bail, the police personnel who were guarding the UTP Bimal Sarkar were withdrawn by the west Tripura District Police on 30/03/2024 and as per record, UTP Bimal Sarkar died on 01/04/2024 and at the time of death he was not in the custody of Kendriyo Sansodhanagar. Since post mortem report was not received by the Investigating Officer during magisterial inquiry, it could not be submitted.

4. The Commission vide order dated 29/05/2024 also arranged for an inquiry by the Investigation Wing of the Commission. Accordingly, Mr. Lalhim Moslom, Dy.SP of the Commission submitted his detailed inquiry report, being the head of the investigation wing of THRC.

The report of L.Molsom, Dy.SP shows that on 20/03/2024 morning, S.I. Manik Biswas of Ramnagar TOP arrested Bimal Sarkar, S/o Nimai Chandra Sarkar of Lankamura on the strength of Non-Bailable Warrant of Arrest in c/w PRC(WP) 374/2020, U/s 457/380/120(B)/511of IPC. He also arranged medical examination of Sri Bimal Sarkar at IGM Hospital and he forwarded him to the Court of Judicial Magistrate, 1<sup>st</sup> Class, observing legal formalities. The report shows that at the time of his arrest, father of Bimal Sarkar and the wife of Bimal Smt. Chandana were present.

5. Fact of the incident as revealed from that report is that on 20/03/2024 evening, Bimal Sarkar suddenly fell in in Sadar Police Court lock up and he was shifted to the IGM Hospital, Emergency Block for medical treatment accompanied with the police guards by an Ambulance. The on duty Medical Officer Dr. Bhupesh Debarma examined him and considering his condition, he was immediately shifted to Male Medical Medicine Ward. Four Doctors, namely Dr. Swasti Sundar Saha, Dr.

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Debashree Das, Dr. Swapna Debbarma and Dr. Achinta Paul attended him and gave necessary treatment. The patient had episode of convulsion and as such the patient was referred to AGMC & GBP Hospital for further evaluation, since the CT-Scan facility was not available on that day between 4:30 pm to 9:00 am of next morning. Furthermore, Super-specialty Consultation like Cardiology & Neurology was also not available at that point of time at IGM Hospital.

At AGMC & GBP Hospital Bimal was treated in MMW Unit No. 4. On 31/03/2024 the patient showed multiple disorders and became drowsy and confused, started to show aggression and started behaving aggressively. The patient party accompanied the patient in order to control his aggressive behavior tied his hands with a gamcha (piece of cloth) against an iron rod and thereafter, necessary treatment was given to him through saline but due to his aggressive mood, the patient removed the saline and injections. On that night at about 1:00 am, the mother of the patient without consulting the Doctor fed the patient with solid food and immediately the Doctors advised her to stop giving solid food to the patient. On 01/04/2024 the health condition of the patient started deteriorating, his carotid pulse kept on decreasing. At about 8:45 pm of 01/04/2024 he was declared dead in the hospital. On that very day based on the information received from the Medical Officer, MMW Unit 4 of AGMC & GBP Hospital, Inspr. Gopal Shukla Das, I/C, West Agartala PS registered an UD Case bearing no. 2024 WAG015, dt. 01/04/2024, U/s 174 Cr.P.C. and endorsed the case to Sub-Inspector Suprakash Debbarma of Ramnagar TOP for investigation of the UD Case. During investigation, S/I Suprakash Debbarma prepared inquest over the dead body of the deceased and on the same day, a team of Doctors from the Department of Forensic Medicine and Toxicology of AGMC & GBP Hospital conducted post mortem examination over the dead


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body of the deceased in presence of Executive Magistrates and thereafter, the dead body of the deceased was handed over to Sri Nimai Chandra Sarkar, father of the deceased.

Subsequently on 08/05/2024, the I/O of the case collected post mortem report of the deceased. The Medical Officer in that report did not give opinion regarding cause of death and it was kept pending till receipt of the Viscera report and Histo-pathological Examination.

On 13/05/2024, the I/O sent the Viscera of the deceased at SFSL, Narsingarh for examination, but during post mortem examination the Doctors found multiple abrasions. Three abrasions were present in posterior aspect of left elbow, four bruises were present on the right side of the anterior chest wall below the right shoulder top of the deceased. One bruise was found in right side of chest wall below the right shoulder top, second bruise is present in antero-medial aspect of left arm below the left shoulder top and another was found on anterior lateral aspect of left arm situated below left shoulder top. Besides, one bruise was found on the outer aspect of left arm situated 13 cm below left shoulder top and the Medical Officer observed that all injuries were ante-mortem in nature which were produced by hard & blunt force and age of all injuries were 2-3 days old from the time of death.

6. The report of the Investigation Wing also shows that deceased Bimal Sarkar has two daughters, one daughter was already given marriage with the help of relatives and another daughter studying in Class XI. As per the report, Smt. Chandana Sarkar, wife of the deceased along with her daughter are living in hand to mouth condition depending on borrowing and her in laws also do not have financial solvency to support them.

  
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7. The report also shows that on 30/03/2024 the patient Bimal Sarkar was bailed out by the Court and police personnel and TSR personnels present in the Hospital informed the Medical Officers that since the patient was released on bail they would be withdrawn by that evening itself. The Medical Officer asked the police personnel to produce a copy of the bail order, but they failed to produce the same. However, they assured to hand over the copy of the order of bail to the father of the patient for submitting the same before the Medical Officer.

8. Sri Lalhim Molsom, Dy.SP, THRC along with his report also submitted statements of number of witnesses examined by him and his investigating team including other numerous documents. Along with those documents, we find a copy of warrant of arrest of the patient, arrest memo, custody warrant dated 28/03/2024, copy of the bail bond as accepted by the Court, dated 30/03/2024, copy of the order of bail passed by the Ld. Court on 30/03/2024 and subsequent order regarding acceptance of the bail bond on that very date.

9. These documents clearly shows that the patient Bimal Sarkar was released on bail on 30/03/2024 on his execution of bond of Rs. 30,000/- with one surety of the like amount while he was under treatment at AGMC & GBP Hospital.

10. Bimal Sarkar died on 01/04/2024 and thus at the time of his death he was not in judicial custody or police custody and therefore, this is not a case of death of a person in custody.

11. On 18/07/2024, L.Molsom, Dy.SP, THRC also furnished a copy of the final opinion regarding the cause of death of the deceased Bimal Sarkar and that final opinion was based on the

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post mortem findings, histopathological report and viscera toxicological analysis report.

Medical Officer, Dr. Pradipta Narayan Chakraborty, Assistant Professor of AGMC & GBP Hospital and Dr. Pulak Chakma, Assistant Professor of the Department of Forensic Medicine & Toxicology, AGMC & GBP Hospital concluded that the cause of death of the deceased was Ischemic heart disease with tubular necrosis in a case of chronic liver disease and there was no associated poisoning or intoxication. That document clearly shows that the death of the deceased has got no connection with any custodial torture resulting death. During PM examination a good number of abrasions and bruises were found on his body, mostly on his hands and chest. Report of the investigation wing shows that during treatment the deceased patient became aggressive and patient party felt it difficult to control him and during that time under compelling circumstances, they had to tie the hands of the patient by a piece of cloth against iron rod. It also revealed that during that time also the patient managed to remove the tie on his hands and thereafter removed his saline connection. Perhaps during that time since he became aggressive, he might have received those injuries including injuries on chest and other parts of his body, but those injuries have got no connection as to cause of his death.

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**12.** In view of the above facts stated above, the Commission finds that this is not at all a case of custodial death. Rather, when the deceased died, by that time he was already released on bail by the Court and the police personnel guarding him were already withdrawn. The deceased was not admitted to jail. When he became sick in Sadar Police Court, he was immediately shifted to IGM Hospital and thereafter he was shifted to AGMC & GBP Hospital and it shows that he died due to chronic liver

disease and not for any custodial torture. The injuries on his body perhaps were caused when the patient party tied him to resist as he became violent during treatment. It is clear from the report of the investigation wing that he has a wife living along with a daughter who is a student of Class XI and they are living in hand to mouth condition and the family members or her in laws also do not have sufficient source to provide help to his wife and daughter.

**13.** Report of the Investigation Wing of the Commission clearly indicates that the deceased Bimal Sarkar was the sole bread earner of his family and due to his death, his wife and daughter is put in tremendous financial crisis, for which the family is constrained to live their livelihood depending on begging.

Ours is a welfare society. It is the duty of the State to ensure that citizens can lead a good life. In certain natural calamities also, the State used to give reliefs in the form of compensation to its citizens. The Commission finds that the condition of the wife and daughter of the deceased is such, it is very difficult on their part to live a life with dignity.

**15.** It is clear from the report that the family of the deceased belongs to BPL society and they are Indian citizens. The primary bread earner of the family is no more in the world. The ideals of Indian society and administration is to serve its people who are in distress. In all eventualities, whether it is natural disaster or manmade disaster, the state comes out to assist the people in distress. Therefore, the Commission considers that some relief should be given to the family of the deceased as consolation due to the death of the deceased and accordingly, the Commission recommends that the Department of Home, Govt. of Tripura shall give a lump sum of Rs. 50,000/- (fifty thousand) to the wife and the daughter of the deceased Bimal Sarkar as solace due to death of the deceased.

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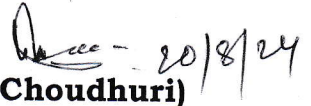


Fix a next date after 4(four) weeks for action taken report  
from the Home Department.

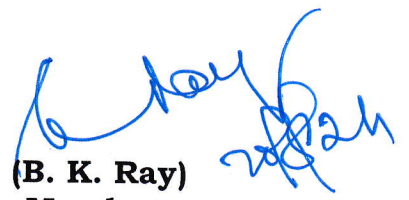
Fix on.....24/09/2024.....



**(Justice S. C. Das)**  
**Chairperson**



**(U. Choudhuri)**  
**Member**



**(B. K. Ray)**  
**Member**