

TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN: AGARTALA
PIN - 799006

Complaint No. 40 of 2024
[Custodial death of Falakathar Debbarma.]

FINAL ORDER
Dated, 26th of September 2024.

Received one communication from the Deputy Medical Superintendent, AGMC & GBP Hospital, addressed to the OSD from the Directorate of Prisons, Agartala, West Tripura, wherein, some documents were furnished, relating to the chemical examination report and final cause of death in respect of the deceased Falakathar Debbarma, who expired on 26/05/2024 at AGMC & GBP Hospital, Agartala while treatment.

The Superintendent of Police, Sepahijala District also vide letter No. 5468/F.5/SP (CS)/SPJ/BRG/24, Dt.24/09/2024 furnished the same chemical examination report and final cause of death report in respect of the said deceased Falakathar Debbarma. Perused the same documents meticulously.

This Commission received a communication from the Superintendent, Kendriya Sanshodhanagar, Bishalgarh vide letter No. dated 26/05/2024 addressed to the Assistant Registrar, Law, National Human Rights Commission (NHRC), New Delhi and Secretary, Human Rights Commission, Agartala, in which it was reported that one convict prisoner namely Falakathar Debbarma, S/O Rajendra Debbarma of Charan Kanta Para under Ambassa PS of Dhalai District

Tripura was convicted in c/w Case No. SPL POCSO-28/2015, U/S 376 (D) of IPC and of POCSO Act and undergoing rigorous imprisonment for 20(twenty) years as per judgment and order passed by the Special Court Kamalpur, Dhalai Tripura.

The said convict Falakathar Debbarma was shifted to Sub-Divisional Hospital, Bishalgarh as per the advice of the Medical Officer of Kendriya Sanshodhanagar Hospital, Bishalgarh for his better treatment and thereafter, the attending Medical Officer of Sub-Divisional Hospital, Bishalgarh referred him to AGMC & GBP Hospital, Agartala.

Later on, the said convict was admitted to AGMC & GBP Hospital on 25/04/2024 at about 11:01 am and on 26/05/2024 at about 3:15 am, the Medical Officers of AGMC & GBP Hospital declared the convict patient dead and the death information of the deceased convict was communicated to his family members and the near relatives through OC Ambassa PS.

Since it was a death while the convict prisoner was in custody, it was the duty of this Commission to seek cause of death and the circumstances under which death had occurred. Accordingly, on 27/05/2024, this Commission took cognizance of the matter based on the papers placed before the Commission and IG, Prisons was directed to furnish information about the death of the convict Falakathar Debbarma to this Commission and he was asked to submit a detailed report covering all aspects leading to the

death of the deceased prisoner, initiate health screening report of the deceased prisoner, complete medical treatment report for the period of custody including treatment given as indoor patient, inquest report, post mortem report, videograph of the post mortem examination, chemical examination of the Viscera, report with final cause of death based on scientific report, Magisterial inquiry report in details of the UD Case.

The Commission also received Magisterial inquiry report along with other documents except the final cause of death report based on SFSL report in respect of Viscera etc.

Today, the Commission received the chemical examination report along with the final post mortem report. The chemical examination report shows negative for presence of any common Organophosphorous/Organochloro, Carbamates and Pyrethroids and based on that report the final opinion of the cause of death was given and final report was that the cause of death of the victim was due to septicaemia resulting from pulmonary infection and no association of poisoning/intoxication was detected.

There is no ground to disbelieve the final opinion of the case of death. The pulmonary infection means an infection that occurs when virus, bacteria or fungus infects the lungs, which includes symptoms of Pneumonia.



The deceased convict was sent to the Bishalgarh Sub-Divisional Hospital for better treatment on 24/05/2024 at 9:45 pm on the advice of the Medical Officer, Kendriya Sanshodhanagar, Bishalgarh.

The Magisterial inquiry report shows that the deceased prisoner Falakathar Debbarma was shifted from Gonda Twisa Sub-Divisional Jail, Dhalai Tripura to AGMC & GBP Hospital on 07/04/2023 and was treated there upto 20/04/2024 and he was diagnosed as a patient of B-Thalassemia minor with anaemia and with splenomegaly and on 20/04/2024 Falakathar Debbarma was admitted to Kendriya Sanshodhanagar, Bishalgarh after he was discharged from AGMC & GBP Hospital and he was provided with necessary medicines as advised by the Medical Officer of AGMC & GBP Hospital and the said convict was again admitted to AGMC & GBP Hospital on 26/04/2024 to 28/04/2024 and again on 13/05/2024 to 21/05/2024 for medical reviews including NCCT Brain, Ultra-Sonography of whole abdomen and Endoscopy. On 24/05/2024, Falakathar's health was deteriorated and he was sent to Sub-Divisional Hospital, Bishalgarh from Kendriyo Sanshodhanagr, Bishalgarh after initial treatment and further from there he was referred to AGMC & GBP Hospital, Agartala. He was under admission at AGMC & GBP Hospital from 24/06/2024 to 26/05/2024 and expired on 26/05/2024 at about 3:15 am during course of treatment.



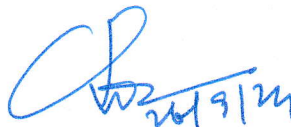
Thus it is clear that for a long period, the said Falakathar Debbarma was undergoing treatment. PM Report clearly shows that his death was caused due to pulmonary infection which was lungs infection. The inquest report and also PM report do not show any mark of violence on his body.

Thus it is clear that the patient died due to lung disease, not for any custodial torture and hence, the Commission is of the opinion that the present inquiry should be closed.

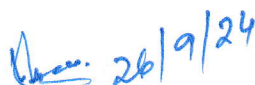
The Commission hereby closes the present inquiry, since the deceased died a natural death and there is no evidence of custodial torture of the deceased. Rather, it is proved that the deceased died due to pulmonary infection which was a lung infection as a result of prolonged illness.

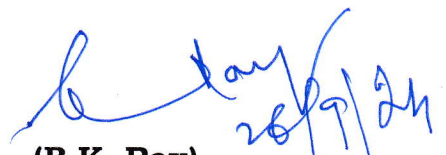
Copy of this order may be sent to:

1. IG, Prisons.
2. Secretary (Home) Jail.
3. DGP, Tripura.



(Justice S. C. Das)
Chairperson


(U. Choudhuri)
Member


(B.K. Ray)
Member