

Date: 10. 03. 2017.

A Radiogram Message vide Memo No. 1023/DC/RB dated 27.02.17 has been received from the Superintendent, Berhampore Central Correctional Home, intimating custodial death of one Life Convict Prisoner, namely, Khirod Mohan Ghosh, aged about 80 years, son of Late Gopal Ghosh of Vill. Chaitpur, PS-Burwan, Dist. Murshidabad who was declared brought dead by the Medical Officer of Murshidabad Medical College & Hospital on 26.02.2017 at 09:40 P.M.

Ld.Registrar

The Superintendent of Police, Murshidabad is directed to cause an enquiry and to submit a report within four weeks from the date of communication of this order. Also intimate whether an inquiry under Section 176(1-A)(a) of Cr.P.C. has been held by Ld. Judicial Magistrate, if so a copy thereof be sent.

The ADG Correctional Services, West Bengal is also directed to submit a detailed report along with copy of Post Mortem and Magisterial Inquest Report within a period of four weeks from the date of communication of this order.

This direction is to be communicated forthwith.

*(Signature)* 10/3/2017  
(Naparajit Mukherjee)  
Member

SDB

*(Signature)*  
A.S. *(Signature)*

orders above  
draft with file is placed below for approval.  
A. Moh  
12.04.2017

Withdrew  
17.4.17  
*(Signature)*

Pld may kindly be seen.  
Report from Concerned authority has not  
yet been received at this stage we may send  
Memorandum for report on or before 27th Jun 2017,  
Submitted for advice.

25/5

AS

Fles put up for approval.

AS  
29.05.17

AS

V. Jaganath  
5.6.17

O.I.NO. 448/(1), (2)/NBHRC/CD/17/27  
Dt. 27.6.17

Pld may kindly be seen,  
Report not received from Concerned  
authority at this stage we may send  
Memorandum for report on or before 18th Sept  
2017. Submitted for advice.

16/8

V. Jaganath  
16.8.17

O.I.NO. 86/2(1)(2)/NBHRC/CD/17/17  
Dt. 16.8.17.

NOTE SHEET

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17/WBHR/CB/17

Memo No. 4384/16/RB Dated 19/7/17 from  
Superintendent, Baharam Central Correctional Home.

case No. 312/25/13/2017/CD/1011 Dated 12/3/17 from  
Sr. Supdt. of Police, Investigation Div/Group.

Memo No. 561/11/JMHR-183/En Dated 26/6/17  
from Addl. District Magistrate (Genl) Murshidabad.

Memo No. 1536/1(7)/DC/RB Dated 26/2/18 from  
Superintendent, Baharampur Central Correctional Home.

No. 393/DG-IG/17 Dated 29/8/17 from  
Addl. IG (HA) of Correctional Services, W.B.

*[Signature]*  
25/6/18

*[Signature]*  
18.7.18

*[Signature]*  
*[Signature]*

passed by the Honble Commission

Pursuant to the order dated 10.03.17, the Addl. IG (HA) of Correctional Services ~~from~~ sent a report <sup>on 29.08.17 informing</sup> that the life convict Khirud Mohan Ghosh was being treated at Baharampur Central Correctional Home as well as at Murshidabad Medical College and Hospital and he felt seriously ill on 26.02.17 and was immediately shifted to the said hospital where he was declared as "brought dead" by the attending Medical Officer.

Copies of some medical documents formed by the Medical Officers of the aforesaid correctional home and the aforesaid hospital are enclosed with the said report. The Inquest report is not properly legible and it is also not clear whether the name is the Magisterial Inquest report or not. Copy of P.M. report is not enclosed, however it has been stated in the said report that supplementary report will be submitted as soon as the pending documents will be made available.

It further appears that the copy of the P.M. report is enclosed with the copy of the letter dated 29.08.17 addressed

contd

(4)

to the SSP, NHRC. It appears from the copy of PM's report that the death was caused due to effects of the diseased condition of the organs as described in the P.M. report - a natural cause.

~~Pr. Secy / Hon'ble  
Member (A)~~

mkp  
04.09.18

ben  
09

File No.17/WBHRC/CD/17

Dr. Kahali, H.O.D., F.S.M. and our in house expert to please examine the post mortem report and the inquest report and submit his opinion to the Commission urgently.

*(Signature)*  
( N. Mukherjee )  
Member

7/9/2018

Ld. Registrar

*AS*

Orders above.

The opinion of Dr. Kahali is placed in the file for kind perusal.

*Reg*

*(Signature)*  
4.4.18

NK

# NOTE SHEET

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It appears from the report of Dr. B. N. Kahali that the opinion about the cause of death can be given in a confirmatory and full-proof manner only on the basis of the FSL *report*.

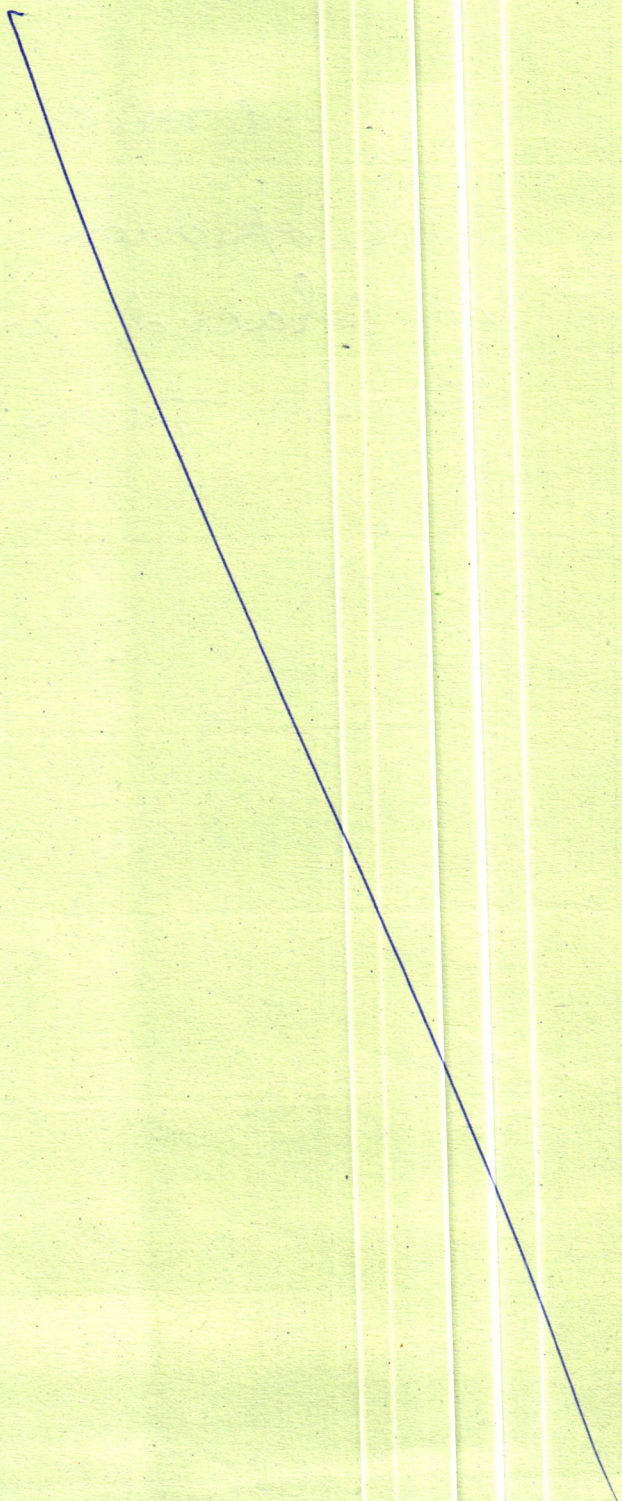
It further appears that the FSL report is not available till now.

Submitted.

*Prasanna (Member)*  
Member (A)

*[Signature]*  
Registrar  
08, 04, 19

*Lea*  
9/4.

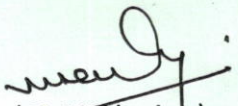


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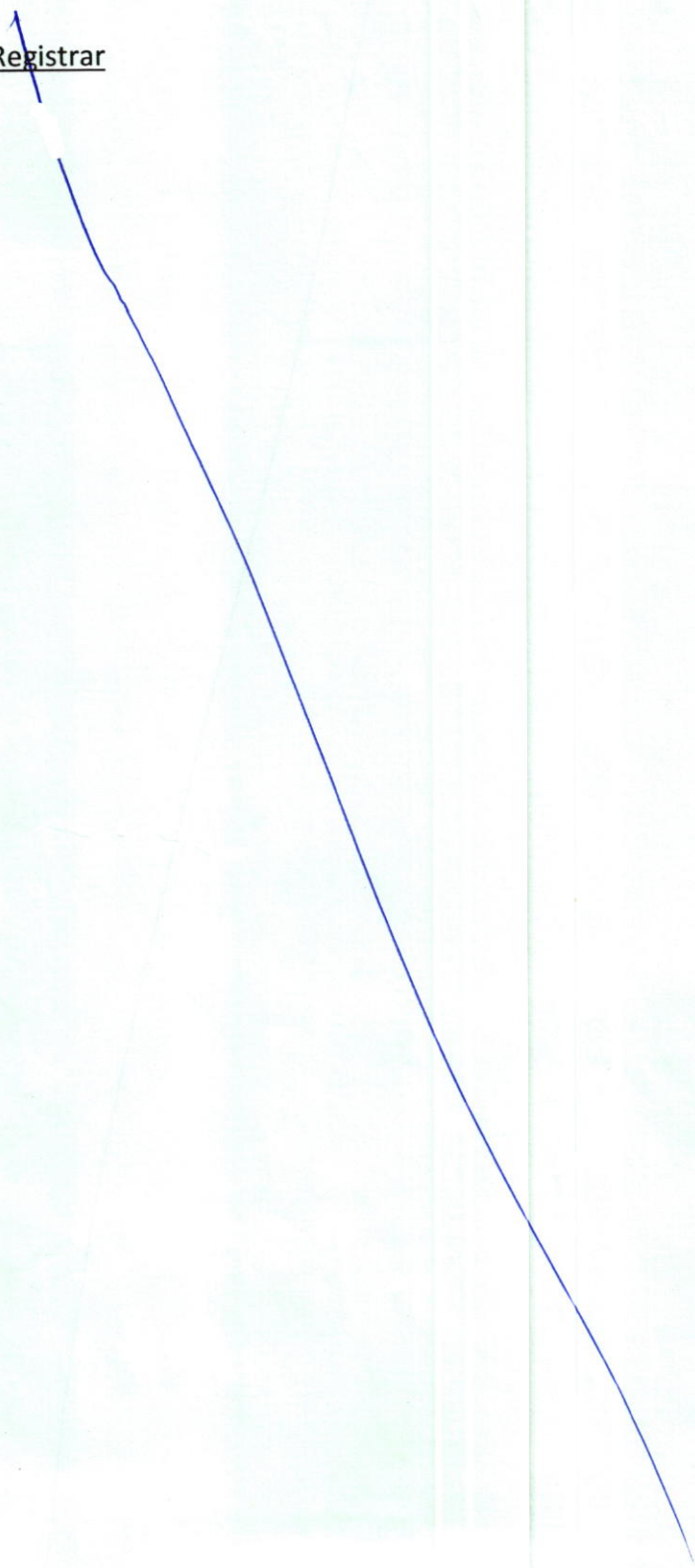
File No.17/WBHRC/CD/18

(i) Ld. Registrar to please verify whether N.H.R.C. has already been taken cognizance in the matter.

(ii) Assistant Secretary to issue reminder for F.S.L. report

  
( N. Mukherjee )  
Member  
9/4/19

Ld. Registrar



(8)

CUSTODIAL DEATH OF LIFE CONVICT KHIROD MOHAN GHOSH

On 09.04.2019 the Hon'ble Commission directed the undersigned to verify whether NHRC has already taken cognizance in this matter.

It appears from the downloaded copy of the information that on 07.03.17 an order was passed by NHRC requesting the concerned SHRC to inform as to whether cognizance had been taken by the said SHRC.

It further appears from the communication dt. 31.03.17 made by the Asstt. Secretary (L&R Wing) WBHRC that a copy of the letter informing about the order of taking cognizance was sent to SSP, NHRC vide Case No. 153/13/16-17-CD/OC/17/WBHRC/CD/17.

Nothing appears from the aforesaid <sup>copy of</sup> information that any further order <sup>was</sup> passed by NHRC in this matter.

The downloaded copy of information is tagged with the file for the kind perusal of the Commission.

Submitted.

~~Pr. Secy / Hon'ble  
Member (A)~~  
S.B.

~~MPR~~  
Registrar  
11.04.19

~~Ld. Registrar~~

NHRC called for proceedings of SHRC on this case. This is a question which should be debated as a matter of policy.

~~Hon'ble Chairman as~~

P.T.O.

~~used~~  
12/4/19



Assistant Secretary to ascertain  
present position as regards progress  
of the matter before NHRC.

16/4/19

Orders above.

The NHRC took cognizance on 7.3.17  
and WBHRC took cognizance on  
10.3.2017. The NHRC took cognizance  
in the matter prior to WBHR.  
Matter is now pending before NHRC.  
This for kind information.

Hon'ble Chairman

V. Dasgupta  
17.4.19

Let the matter be listed for  
discussion as desired at an early date

17/4/19

Matter was discussed in  
of Commission. Ld. Registrar to ascertain  
from NHRC what instructions on Custodial  
death / police encounters have been issued  
time to time w/ 1997 till date to  
State Govts. The same be placed  
before Comn by 1/7/2019.

Ld. Registrar

As disclosed in affidavit  
of NHRC Extra Judicial Execution  
victim Jambuj vs UOI W.P.(Cr) No. 129/2012  
O.P. No 826/WBHR/CD/17/2017  
Dt. 20.5.19

20/5/19  
25/5/2019

As per order ~~dated~~ passed on today itself (20.05.19), a letter has been sent to the Registrar (Law) NHRC by fax vide no. 826/WBHR/C/CD/17/2017 dated 20.05.19.

The copy of the letter and the sending report (by fax) <sup>are</sup> tagged with this file,

*[Signature]*  
20.05.19

As per order dated 20.05.19 passed by the <sup>Writable</sup> Commission, the letter vide no. 826/WBHR/C/CD/17/2017 <sup>dated 20.05.19</sup> is also sent by mail to the <sup>Ld.</sup> Registrar (Law) NHRC and the same is duly received by NHRC.

The copy of the letter along with mail receipt is tagged with the file.

*[Signature]*  
21.05.19

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