

Date: 20. 07. 2017

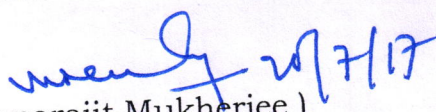
A Radiogram Message vide No. 5883/1/(22)CD/CC/2017 dated 16.07.17 has been received from the Superintendent, Alipore Central Correctional Home, intimating custodial death of one Term Convict, namely, Ba:ao Maity, aged about 57 years, son of Trailakya Maity of village Meidinagar, PS- Khejuri, Dist. Purba Midnapur at Sambhunath Pandit Hospital, Kolkata on 16.07.2017 at about 04:45 P.M. It is also reported that he was shifted to that Correctional Home from Midnapur Central Correctional Home for better medical treatment.

AS(LR)

The Dy. Commissioner of Police, South Division is directed to make an enquiry and submit a report within four weeks from the date of communication of this direction. Also intimate whether inquest by Judicial Magistrate done under Section 176 (1A)(a) of Cr.P.C.

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

This direction is to be communicated forthwith.


(Naparajit Mukherjee)
Member

SDB

Orders as above.

F/CS put up for approvals.

AI
09.08.17

V. Sanyal
11.8.17

AS

Memo No. 8608/1(5)/CD Dated 16/10/17 from Superintendent -
Alipore Central Correctional Home.

Memo No. 7679/1(4)/CD dated 07/09/17 from Superintendent -
Alipore Central Correctional Home.

Memo No. 217/SB/C Dated 11/16/17 from Dy. Commissioner
of Police, South Division, Kolkata.

No. ~~3813/SA~~ 3813/HRC-59/2017 Dated 26/10/17 from
Addl. IG (HQ) of Correctional Services, W.B.

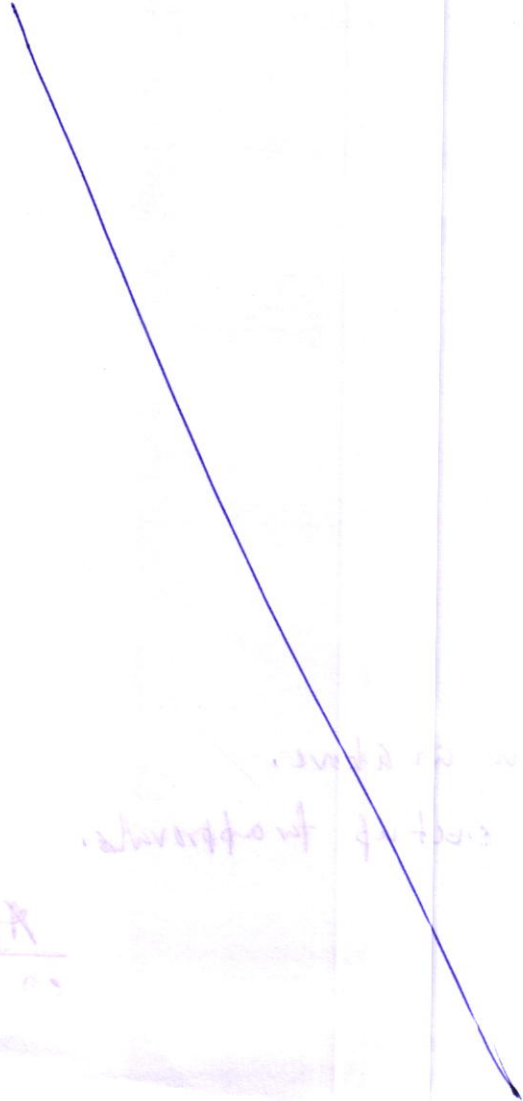
~~S~~

~~RJR~~

~~RJR~~

~~S~~
31/7/18

V. Hazra
9.7.18



(Faint, illegible text)

1A

~~S~~

On 20.07.17 the D.C.P(S.D), Kolkata was directed to make an enquiry about the untodial death of one convict, namely Balai Maity and to submit a report and also to intimate whether inquest by Judicial Magistrate was done u/s 176(1A)(a) of Cr.P.C. The ADG, Correctional Services was also directed to submit a detailed report along with copy of P.M report and Magisterial Inquest report.

On 07.09.17 the Superintendent, Adilpore Central Correctional Home sent the copy of the letter addressed to NHRC enclosing the information sheet and photocopies of a few treatment papers.

On 11.10.17 D.C.P(S.D), Kolkata forwarded a report informing that Magisterial Inquest and P.M. Examination of the deceased had been held on 19.07.17 under video photography as per guideline of NHRC.

On 16.10.17 the Superintendent, Adilpore Central Correctional Home sent the copy of the letter ~~addressed~~ addressed to NHRC enclosing copies of Inquest Report made by the Special Executive Magistrate, ~~and~~ P.M. Report, death certificate and death report. It appears from the said communication that viscera report is yet to be received.

On 26.10.17 Adoff. I.G. (H.Q) of Correctional Services also sent a report enclosing the aforesaid copies.

The nature of injury stated in the Magisterial Inquest report is as follows:

"Frothing discharge from mouth. Abrasion on the back side of the left arm. Bed sore on the back".

The cause of death as per death certificate is respiratory distress in sepsis.

As per P.M. report death was due to the diseased condition of organs as noted therein but the final opinion is depending upon the chemical examiner's report.

It further appears from the P.M. report that no external and internal injury is noted therein.

Pr. Secy/ H/nila
Member (A)

A-5

Dr. Kabali HOD SSKM of
FORENSIC MEDICINE & our in
house expert to the experience
the PM reports & give his opinion
20/8/18
20/8/18

20.08.18

NOTE SHEET

- 4 -

Orders prepage.

The opinion of Dr. B. N. Kabali
is placed in the file for perusal
and further orders.

Rgr

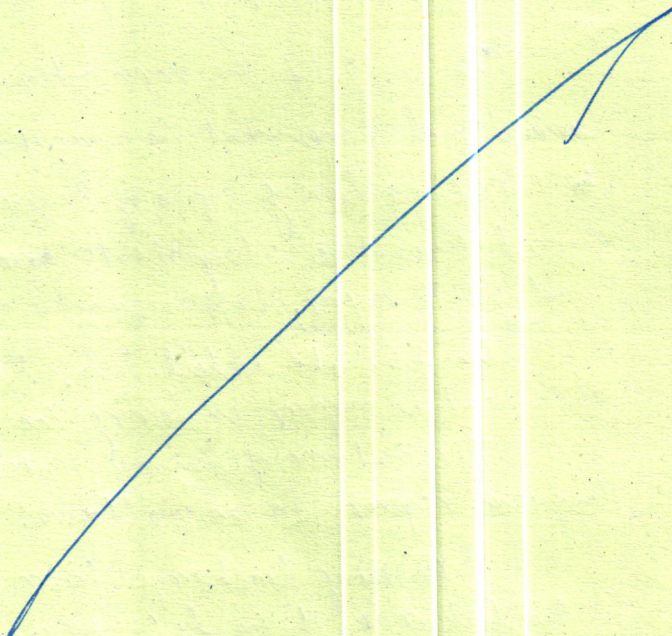
W. D. Ghosh
8.3.19

It appears from the report of Dr. Kabali that
opinion about the cause of death can be given only
on the basis of histopathological report and FSL report
which are not available till now.

PKD
13.03.19

Pr. Secy / W. H. K.
Member (A)

Levy
14/3



NSP-

File No.51/WBHRC/CD/17

Ld. Registrar is requested to check up with the NHRC whether they have taken cognizance into the matter since the initial report was addressed to NHRC followed up by all papers being sent to the NHRC on the subject.

(Signature)
(N. Mukherjee)
Member

15/03/2019

Ld. Registrar

As per direction of the Honble Commission the NHRC Portal ^{has} been searched out and it appears that the this present case started on the report of custodial death of convict Balai Maitra, was also registered as a case before NHRC vide File No. 975/25/5/2017.

Thus it is clear that NHRC also took cognizance in this matter but the closure date of the case before NHRC is 15.06.2018.

The downloaded copy containing the aforesaid information is tagged with this file.

~~Pr. Secy / Honble
Member (A)~~

(Signature)
18.03.19

Honble ^{Member} Chairman

Matter be filed as NHRC
has taken cognizance

(Signature)
9/3

19/3/19

(Signature)
19/03/19

Ld Registrar is directed to ascertain from the website of NHRC the present position.

11/4/19

I have been directed by the Hon'ble Commission to ascertain from the website of NHRCE about ^{the present} ^{the number of} position of ^{custo-} dial death of convict Balai Maity (File No. 975/25/5/2017-JCD.)

It appears from the downloaded copy of information with regard to File No. 975/25/5/2017-JCD that ^{on 15.06.18} an order was passed by NHRCE ^{declaring} the closure of the case without prejudice to the proceeding before NHRCE.

The downloaded copy is tagged with the file for the record perusal of the Hon'ble Commission.

PKR
11.04.19

Pr. Secy / Hon'ble
Chairperson

FSL report is awaited for
which Dr. Kabali is unable to
give opinion. Pks. issue reminder.
u
12/4/19

Ld. Registrar

Asstt. Secy. (L & R Wing) / S.O. is to
communicate the order immediately
either by fax / e-mail

PKR
12.04.19

4/5

Orders above,
H/c signed.
V. Dasgupta
26.4.19

O.I. NO. 732/WBHRCE/CD/51/17
Dt. 26.4.19