

37/WBHRC/CD/2019

Date : 26.12.2019

A Radiogram Message vide no.2222/RB Dated :18.03.2019 has been received from the Superintendent, Dum Dum Central Correctional Home intimating custodial death of one UTP namely Srayas Sengupta S/O Lt. Subhankar Sengupta (aged about 28 yrs) of 19/2 B.T.Road, Givernment Quarter, Kamarhati, Belgharia, Kolkata- 700056 who expired at the R.G.Kar Medical College Hospital, KOLKATA on 25.02.2019 at 5.50 p.m.

The Dy.Commissioner of Police, Kolkata North Division is directed to cause an enquiry and to submit a report within four weeks from the date of communication of this order and to intimate whether enquiry by Judicial Magistrate has been done under section 176(1-A)(a) of Cr.P.C. In case it has been done a legible copy be sent. In case it has not been done, the reason therefor should be informed.

DG, Correctional Services, West Bengal is directed to submit a detailed report along with copy of Post Mortem report and Magisterial ^{inquest} enquiry report etc. within four weeks from the date of communication of this direction.

This direction is to be communicated forthwith.



(Justice G.C.Gupta)
Chairperson
WBHRC

order above —

f/c's put up for approval

16/01/2020

F/c signed
16.1.2020

HC

Done
8/1

Memo No. 1091/HA (estall. Dth) Dated 10/2/2020
from Superintendent of Police, Duhm Dum Commercial
Zone.

[Signature]
14/8/2020

[Signature]
17/8/2020

[Signature]
Ld. Reg.

Memo No. 454/HA Dated 11/2/2020 from
Deputy Commissioner of Police, North & North
Suburban Division, Kolkata.

[Signature]
28/9/2020

[Signature]
28-9-2020

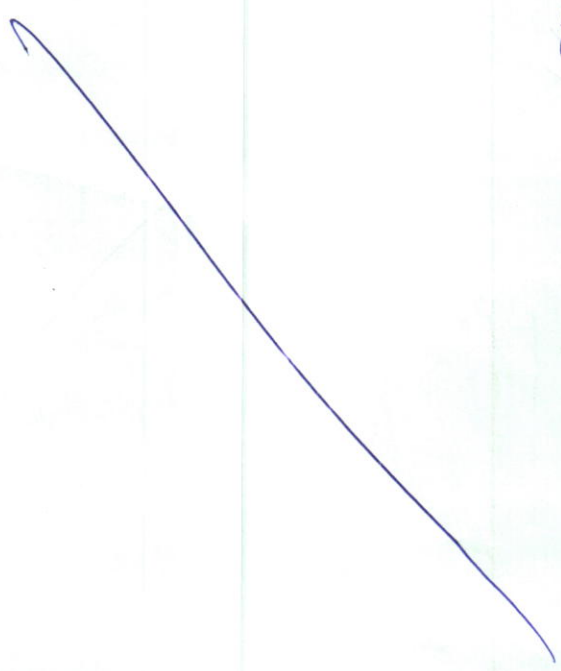
[Signature]

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Ld. Reg.

The file has been put up today after online
transfer. Further action will be taken up tomorrow.

[Signature]

16.12.2020



On 26.12.2019 the Hon'ble Commission took cognizance on the custodial death of UTP Srayas Sengupta and DCP, South Division, Kolkata was directed to cause an enquiry and to submit a report and he was also directed to submit the judicial inquiry report, if any.

DG, Correctional Services directed to submit a detailed report along with copies of post mortem report and Magisterial Inquest report.

DCP, North and North Suburban Division, Kolkata has forwarded a report prepared by the ACP(III), ND & NSD.

It appears from the said enquiry report that the deceased died at R.G. Kar Medical College & Hospital on 18.03.2019 and one UD case was started and the judicial inquiry was conducted by the Ld 2nd Judicial Magistrate, Sealdah. It has been reported that the Judicial Inquiry report was sent to NHRC and WBHRC. It may be mentioned here that no such judicial inquiry report has been received by WBHRC.

It appears from the communication made by the Supdt. Dum Dum Central Correctional Home that NHRC declared the case as closed. It appears from the enclosure attached with the said communication that same was intimated by NHRC after closure of the case.

The observation made by NHRC, as it is reflected from the said enclosure has quoted as follows:

“ The Commission had received an intimation from Superintendent, Dum Dum Central Correctional Home, Kolkata, West Bengal on 22/03/2019 regarding death of an under trial prisoner Srayas Sengupta s/o Lt. Subhankar Sengupta, aged about 28 years on 18/03/2017 in the custody of said Jail at RG Medical College Hospital. He entered this Jail on 13/1/2019 upon transfer on medical grounds.

In response to the Notice sent by this Commission, the State Authorities have submitted the requisite reports. Upon detailed examination of the reports including inquest proceedings, bedsores

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NOTE SHEET

wounds and old injury marks are observed. Post-mortem report indicates external ante mortem injuries of abrasions and reported the diseased condition of the internal organs of the deceased. As per treatment record, he was suffering from various ailments such as torn ligament, vision problems, edema of feet, nocturnal aneuris and mental illness. On 25/02/2019, he was referred as a life saving measure to RG Medical College Hospital where he died during treatment. The Medical Board observed that the death was on account of diseased condition of lungs and multi organ failure. The Judicial Magistrate, North 24 Paraganas who conducted the Magisterial Enquiry has also concluded that the deceased was an old case of diabetes mellitus and ruled out any foul play, medical negligence or inadequate patient care. The Investigation Division of the Commission upon detailed examination of the reports has also recommended closure of the case.

In view of the above, the reports received from the State Authorities are taken on record and the instant case stands closed."

The above mentioned fact is also reflected from the case details of NHRC available online. The case details are also attached with this file for perusal of the Hon'ble Commission.

Submitted

M. P. S.
Registrar
17.12.2020

Hon'ble Chairperson

*In view of the
aforesaid the matter
is closed.*

A. G. 1/21