

Enquiry into File No. 1531/WBHRC/Com/15-16

Sub: Custodial Death of UTP, Sona Mondal at Kalna Subsidiary Correctional Home on 28.01.16 by hanging.

Hon'ble Commission desired clarification regarding the death of UTP Sona Mondal at Kalna Subsidiary Correctional Home by hanging on 28.01.16 on the basis of following points vide order dt. 16.09.16.

- a) Under what circumstances UTP Sona Mondal committed suicide?
- b) How he hanged himself?
- c) What was the case pending against him?

During enquiry, collected the answers from Superintendent Kalna Subsidiary Correctional Home (Annexure P- 40 to 53) and O/C Kalna PS, Burdwan (Annexure P-54) regarding the queries stated above.

The comparative point-wise chart is prepared (Annexure P-67 to 70).

Also statements of SI Sankar Das, Kalna PS were recorded (Annexure P-59 to 63) who was E.O. of U/D Case No. 13/16 dt. 28.01.16 (Kalna PS) into the custodial death of UTP Sona Mondal at Kalna Subsidiary Correctional Home.

Again the statement of ASI Subir Guha Mazumdar of Kalna PS was recorded (Annexure P-64 to 66) who investigated Kalna PS Case No. 712/15 dt. 19.11.15 u/s 363/366/34 IPC in which UTP Sona Mondal s/o Lt. Sambhu Mondal of Sasपुरdebnathpara, PS-Kalna, Burdwan was arrested as FIR named accused and later sheltered in Kalna Jail on 27.01.16.

The views shared by different witnesses/agencies on the following points are:-

- A) Under what circumstances UTP Sona Mondal committed suicide.
 - Superintendent, Kalna Subsidiary Correctional Home reported (Annexure P-51, 52) of Sona Mondal (since 16.45 hrs. of 27.01.16 to till taking breakfast on 28.01.16 which has been collected from his fellow inmates). At night on 27.01.16, UTP Sona Mondal slept a little bit and went inside the bathroom (opened for the whole time) for urinals for two times according to the night watchers report. After lock-up, the inmates had their tea followed by their breakfast. UTP Sona Mondal asked

another UTP Diamond Mondal to give some “Chanachur” (Snacks) from his account. So that Sona Mondal could eat his puffed rice (muri) with the same. The said Diamond Mondal also added in his statement that the Sona Mondal told that Mumbai Police had beaten him after arrest (Annexure P-47).

It was presumed that after the breakfast Sona must have entered the toilet which is opened before sending the inmates to the concerned Ld. Court for a facility of preparing them. Through bathing, urinals and toilets.

As around 09.05 hrs. on 28.01.16 another UTP Madhab Sardar went to the same toilet for nature’s call. After waiting five minutes, he knocked the closed door of the lavatory and subsequently pushed the door top to open it, the door, however, opened with a “thud” sound and the said UTP Sona Mondal’s throat laced around visibly tight with one end of a Gamcha, finally found lying dead inside the toilet (Annexure P-48).

- O/C Kalna PS reported (Annexure P-54) that UTP Sona Mondal was arrested by ASI S.G. Mazumder of Kalna PS from Mumbai being the FIR named accused of Kalna PS Case No. 712/15 dt. 19.11.15 u/s 363/366/34 IPC which was started on the basis of Court complaint of Gourhari Bhaoal of Datankatatitala, PS-Kalna to the effect that his daughter Swapna Bhaoal (19 years) was kidnapped by Sona Mondal and others on 08.11.15 at 23.30 hrs. and taken to Mumbai.

Swapna Bhaoal recovered and later handed over to her legal guardian. Sona Mondal was produced before Ld. Court and kept under J.C. at Kalna S.C. Home on 27.01.16.

O/C Kalna PS also reported that Sona Mondal was in disappointed mind. As a result, he might have committed suicide by hanging at Kalna S.C. Home (Annexure P-54).

- SI Sankar Das, E.O. of UD Case No. 13/16 dt. 28.01.16 (Kalna PS) was examined and his statements recorded (Annexure P-59 to 63).

It revealed that SI Sankar Das received an endorsement from O/C Kalna PS at 15.05 hrs. on 28.01.16 and he went to Kalna S.C. Home for an enquiry into the custodial death of UTP Sona Mondal. He reached Kalna Jail at 15.30 hrs. and examined the Jailor and inmate Madhab Sarkar (witness who first saw Sona Mondal lying dead inside the toilet). SI S. Das stated that the jailor and the witnesses did not disclose the circumstance leading to the suicide of Sona Mondal (found hanging inside the toilet) but said that he was staying disappointed before his death in the jail with other inmates. Sona did not talk after entry in the jail on 27.01.16 till his death on 28.01.16. SI S. Das also pointed out that Biswajit Mazumdar (Relative of Sona Mondal) and Sona Sk. (Friend of Sona Mondal) said that Sona had committed suicide by hanging himself in a latrine in the jail, subject to which they have signed in the Inquest Report which was prepared by SI S. Das on 28.01.16 (Annexure P-45). Moreover, no complaint was received from any corners, so no foul play was detected in the course of enquiry.

SI S. Das also stated that he learned from ASI Subir Guha Mazumdar of Kalna PS (who arrested Sona Mondal from Mumbai and recovered Swapna Bhaol) that UTP Sona Mondal allured her to Bombay to live conjugal life (Annexure P-61). SI Sankar Das again mentioned that Sona was found disappointed in police custody of being separated from V.G., but he did not disclose it to anyone. He said that this could be a reason behind commitment of suicide. He again stated that “no poison was found in the viscera of deceased Sona Mondal” (Annexure P-35). SI S. Das stated that there was no report of physical and mental torture on Sona Mondal found during enquiry except a small abrasion on the nose. He further added that Sona Mondal was a labour and Swapna the V.G., belonged to a rich family which might have disturbed the VG’s family and became a matter of annoyance against Sona Mondal. The disparity of economic condition could be one of the reasons for suicide.

- ASI Subir Guha Mazumdar of Kalna PS was examined and his statements recorded (Annexure P- 64 to 66). ASI S.G. Mazumdar was the I.O. of the case (he arrested Sona Mondal from Mumbai and recovered Swapna Bhaoal). He stated that (Annexure P-66) Sona Mondal was earlier married to a lady and had a child. He tortured them and ousted them from the house. A case u/s 498 IPC was registered at Kalna PS and Sona Mondal was arrested into the case on the complaint of her married wife. Sona Mondal was a poor man, Swapna, the V.G. was rich. There was a love affair between Swapna and Sona. He again stated that Swapna Bhaoal (19 years) i.e. V.G. after recovery went on for a 164 Cr.P.C. statement before Magistrate and vented that Sona's sister Bulti was her friend and was living in Mumbai. She had contacts with her over the telephone and one day she came to know that Bulti was ill. She wanted to get parent's permission to go to Mumbai which was turned down. Later, she forced Sona Mondal to take with him on 08.11.15 and went to Mumbai by train to live at Bulti's house. Later police arrested Sona and recovered Swapna on the basis of a complaint by Gourhari in the Ld. Court. She said that she willingly went to Mumbai and none forced or allured her (Annexure P-55 to 58). ASI S.G. Mazumder added that Sona Mondal was eccentric in nature and used to assault his mother and sister which he found during the investigation. He again stated that Sona's father and other relatives also committed suicide by hanging on earlier occasions. So, by heredity, there was a propensity of Sona Mondal which lead him to commit suicide.

B) How UTP Sona Mondal hanged himself?

- Superintendent K.S. Correctional Home reported (Annexure P-51,52) that UTP Sona Mondal took "GAMCHA" from another inmate of the home and went for the toilet on 28.01.16 morning

after having breakfast. At around 09.05 hrs. another UTP Madhab Sardar went to the same toilet for nature's call. After waiting for five minutes, he knocked the closed door of the toilet and subsequently pushed the door top to open it. The door, however, opened with a "Thud" sound and the said UTP Sona Mondal's throat laced around visibly tight with one end of Gamcha and thereby found lying apparently dead inside the toilet. As per the statement of witnesses (Annexure P 46 to 48) and visualising the structures of the bathroom, it was assumed that he entered the latrine, with a Gamcha (usually used for bathing) of another inmate and made a loop with one side of the said gamcha and tied the upper wooden frame of the door of the latrine room (there was no wall/construction made of cement, sand, stone chips, Bricks etc. between the upper wooden frame of the door and the ceiling of the latrine room). He seemed to have tied the one end of the gamcha with the upper wooden frame using/climbing up the two pallas (cover frame of the door of the latrine) and then hanged himself from the upper frame covering the two pallas from inside the latrine which resembled with the reflections of the first named Madhab Sardar (Annexure P-48), as he first knocked the door/palla (closed from inside) for nature's call. O/C Kalna PS stated (Annexure P-54) that it was detected on 28.01.16 at 09.05 hrs. accused Sona Mondal was hanging in the latrine of Sub Correctional Home, Kalna with gamcha but did not explain how he hanged himself.

- SI Sankar Das, E.O. of the case was examined, and his statement recorded (Annexure P-59 to 63). It revealed that on 28.01.16 at 15.30 hrs. when he reached Kalna S.C. Home, he found UTP Sona Mondal lying dead outside the jail lavatory. He enquired the jailor, Biplab Mazumder and the jail staff/inmates who stated that on 28.01.16 at 09.05 hrs., Madhab Sardar, one inmate found Sona Mondal lying dead apparently inside the latrine with a tied gamcha knot on his neck fixed tightly as a ligature. The witness and the jailor stated that Sona must have

committed suicide by using one end of the gamcha on the open wooden threshold above the door. By nature's call, Madhab pushed the door from outside, and the body fell on the latrine. The door threshold was 5 ½ Ft. Height from the ground. Comparing the height of UTP Sona Mondal and the height of the threshold (used for hanging), it appeared that Sona had a strong will in committing suicide by partially hanging himself from a lower height. He added that from inmates it was ascertained that the latrine door was locked from inside which was broke open from outside.

SI S. Das stated that the body was earlier declared dead at the K.S.C. Home by the doctor. So, he prepared inquest report over the deceased Sona Mondal in the presence of his relative Biswajit Mazumder and Sona Sk (friend) where they signed (Annexure P-45) to the effect of committing suicide of UTP Sona Mondal. He made videography of the dead body during the inquest. He then sent the corpse to Burdwan Medical Collect, FSM Department, where PM was done under photography by Dr. S. Barman. Viscera was also sent to FSL where no poison was found in viscera of deceased Sona Mondal (Annexure P-35).

- From the PM Report (Annexure P-33) it revealed that the death of UTP Sona Mondal was due to effect of hanging –antemortem in nature, but there are strong supportive indications of suicidal hanging i.e. oblique, non-continuous parchmented ligature mark measuring 13” X 0.5” placed high up around the neck 2.5” between tip of left mastoid process and left angle of mandible.
- No other injury other then ligature injuries are mentioned in the PM report which supports that there was no mark of resistance injury on the deceased except a small abrasion found on the nose during inquest by SI Sankar Das. No foreign body was also detected during PM exam. The knot of gamcha was found in situ away from the glut.

All these evidence indicate suicidal hanging by Sona Mondal.

C) What was the case pending against him?

- Superintendent Kalna Subsidiary Correctional Home reported (Annexure P-51, 52) that there was one case pending against Sona Mondal i.e. Kalna PS Case No. 712/15 dt. 19.11.15 u/s 363/366/34 IPC, GR No. 1942/15.
- O/C Kalna PS stated that the above-noted case ended in FRMF vide Kalna PS FRMF No. 36/16 dt. 30.04.16.
- ASI S.G. Mazumdar, I.O. of the above-noted case stated that Swapna Bhaoal aged 19 years gave a 164 Cr.P.C. statement before Magistrate that Sona Mondal's sister Bulti was her friend and living in Mumbai. She had contacts with her over the telephone and one day she came to know that Bulti was ill. She wanted to get parent's permission to go to Mumbai which was turned down. Later, she forced Sona Mondal to take with him on 08.11.15 and went to Mumbai by train to live at Bulti's house. Later police arrested Sona and recovered Swapna on the basis of a complaint by Gourhari in the Ld. Court. She said that she willingly went to Mumbai and none forced or allured her (Annexure P-55 to 58). The victim submitted before Ld. Court that she is an adult and not allured /compelled/kidnapped by Sona Mondal to go to Mumbai. She went with him willingly and forced him to take her away.

This proved that Sec. 363/366/34 IPC did not substantiate against Sona Mondal and others, so he finally submitted Final Report Mistake of Fact (FRMF) dt. 30.04.16 to the Ld. The court in this case.

ASI S.G. Mazumdar added that Sona Mondal was arrested into another case u/s 498 A IPC before the instant case at Kalna PS on the basis of the complaint of his wife whom he ousted from the house with the child. ASI S.G. Mazumdar could not give the case reference as he was not the I.O. of the case.

Findings:

A. Under what circumstances UTP Sona Mondal committed suicide?

Logic: The reason of disappointment found in UTP Sona Mondal during police custody and jail custody could be as follows:-

1. During jail custody, UTP Sona Mondal told UTP Diamond Mondal that Mumbai Police had assaulted him severely after arrest (Annexure P-47).
2. During jail custody, at night on 27.01.16, UTP Sona Mondal slept a little bit and went inside the bathroom (opened for the whole time) for urinals for two time –according to night watcher’s report stated by Superintendent, Kalna S.C. Home (Annexure P-51, 52). This shows Sona Mondal was observing the urinal and latrine frequently at night for his preparation of mindset, which could have ended in suicide the very next day in the same lavatory.
3. During police custody, Sona Mondal remained disappointed but did not disclose the reason for disappointment (Annexure P-54).
4. During jail custody, Sona Mondal remained quiet and disappointed, as transpired by Superintendent, Kalna S.C. Home and other witnesses (claimed by SI Sankar Das, Kalna PS, E.O. of the UD Case of UTP Sona Mondal) (Annexure P-59 to 63).
5. SI Sankar Das stated that he learned from ASI Subir Guha Mazumder of Kalna PS (I.O. of the case in which Sona was arrested from Mumbai and brought back to Kalna) that UTP Sona Mondal had love affairs with V.G. Swapna Bhaoal and started to live a conjugal life at Mumbai. Being separated by police, he was found disappointed in police custody, but he did not disclose anyone (Annexure P-61).
6. SI S. Das also stated that there was no report of physical and mental torture on Sona Mondal found during enquiry except a small abrasion on the nose (which might have been received from the ligature loop to the latrine pot after the latrine door was opened from outside). He further added Sona Mondal was a poor labourer and V.G. Swapna Bhaoal belonged to a rich family which might have disturbed the VG’s family and turned into a matter of annoyance against Sona Mondal. The disparity of economic

condition may have compelled Sona to commit suicide (Annexure P-59 to 63).

7. Sona Mondal had a legal wife and child, before the relationship with VG, Swapna Bhaoal. Sona tortured, assaulted his wife and child and then drove them away from home. A case u/s 498A IPC was pending against Sona Mondal in which he was arrested earlier, but ASI S.G. Mazumder could not say the details of the case. This dual relationship (marital and extramarital) may have pressurised Sona Mondal when he was arrested into another case of kidnapping. This may have compelled him to commit suicide (Annexure P-66).
8. ASI S.G. Mazumder stated that UTP Sona Mondal was eccentric in nature and assaulted his mother and sister on earlier occasions (Annexure P-65).
9. ASI S.G. Mazumder also stated that during the enquiry, he could ascertain that UTP Sona Mondal's father and some relatives also committed suicide by hanging in earlier occasion (Annexure P-65).

This shows a hereditary propensity of UTP Sona Mondal for the commitment of suicide.

All the above logic fulfills the criteria of the incoherent state of mind of UTP Sona Mondal which might have engulfed him with a propensity to commit suicide.

B. How Sona Mondal hanged himself?

Logic:

1. Superintendent, Kalna S.C. Home reported (Annexure P-46,47,48) that he has enquired the inmates of the home, who stated that UTP Sona Mondal took a "Gamcha" from one of the inmates and went for bathing in the bathroom of the jail. At 09.05 hrs. he was found to have fallen with a "thud" sound on the latrine on the opening of the latrine door by another inmate with his throat laced around visibly tight with one end of gamcha and thereby lying apparently dead inside the toilet. According to statements and visualising the structure of the latrine, it was assumed that he entered the latrine

with “Gamcha” and made a loop with one side of the said gamcha and tied the upper wooden frame of the door of the latrine room (there was no wall/construction made of cement, sand, stone chips, bricks, etc. between the upper wooden frame of the door and the ceiling of the bathroom). He seemed to have tied the one end of the gamcha with the upper wooden frame/climbing the two pallas (over the frame door of the latrine) and then hanged himself from the upper frame covering the two pallas from inside the latrine. The same was reflected by UTP Madhab Mondal first knocked and pushed the door (closed from inside) to go for nature’s call. This reveals the possible steps taken by UTP Sona Mondal to commit suicide.

2. SI Sankar Das, Kalna PS, E.O. of UD Case of UTP Sona Mondal stated (Annexure P-59 to 63) that he enquired Superintendent, K.C. Home and the witnesses and also visited the P.O. from which he concluded that on 28.01.16 at 09.05 hrs. UTP Madhab Sardar found Sona Mondal lying dead apparently inside the latrine with a tied gamcha knot on his neck fixed tightly as a ligature. His body fell from the ligature fixed wooden loop to the latrine when he opened the door from outside (Annexure P-48). It transpired from his enquiry that Sona Mondal must have committed suicide by using one end of the gamcha on the open wooden threshold above the latrine door. By nature’s call, Madhab Sardar pushed the door from outside, and the body of Sona fell on the latrine. The door threshold was 5 ½ ft. Height from the ground. Comparing the height of UTP Sona Mondal and the height of threshold (from ground) i.e. used for fixed hanging loop, it appeared that Sona had a strong will in committing suicide by partial hanging from a lower height. The inmates told him that latrine door was locked from inside which was broken open from outside.
3. SI S. Das stated (Annexure P- 59 to 63) that inquest report (Annexure P-45) was prepared by him of UTP Sona Mondal where his relative Biswajit Mazumdar and friend Sona Sk. signed

voluntary to the effect that Sona Mondal committed suicide by hanging himself at Kalna S.C. Home.

4. From the PM Report (Annexure P-33) it revealed that the death of UTP Sona Mondal was due to effect of hanging –antemortem in nature, but there are strong supportive indications of suicidal hanging i.e. oblique, non-continuous parchmentised ligature mark measuring 13” X 0.5” placed high up around the neck 2.5” between tip of left mastoid process and left angle of mandible. No other injury other than ligature injuries are mentioned in the PM report which supports that there was no mark of resistance injury on the deceased except a small abrasion found on the nose during inquest by SI Sankar Das. No foreign body was also detected during PM exam. The knot of gamcha was found in situ away from the glut.

All the above logic reflects possible steps taken by UTP Sona Mondal for his suicidal hanging and also renders indications for his commitment of suicide.

C. What was the case pending against him?

1. Superintendent Kalna Subsidiary Correctional Home reported (Annexure P-51, 52) that there was one case pending against Sona Mondal i.e. Kalna PS Case No. 712/15 dt. 19.11.15 u/s 363/366/34 IPC, GR No. 1942/15.
2. O/C Kalna PS stated that the above-noted case ended in FRME vide Kalna PS FRMF No. 36/16 dt. 30.04.16.
3. ASI S.G. Mazumdar, I.O. of the above-noted case stated that Swapna Bhaol aged 19 years gave a 164 Cr.P.C. statement before Magistrate that Sona Mondal's sister Bulti was her friend and living in Mumbai. She had contacts with her over the telephone and one day she came to know that Bulti was ill. She wanted to get parent's permission to go to Mumbai which was turned down. Later, she forced Sona Mondal to take with him on 08.11.15 and went to Mumbai by train to live at Bulti's house. Later police arrested Sona and recovered Swapna on the basis of a complaint by Gourhari in the Ld. Court. She said that she willingly went to Mumbai and none forced or allured her (Annexure P-

55 to 58). The victim submitted before Ld. Court that she is an adult and not allured /compelled/kidnapped by Sona Mondal to go to Mumbai. She went with him willingly and forced him to take her away. This proved that Sec. 363/366/34 IPC did not substantiate against Sona Mondal and others, so he finally submitted Final Report Mistake of Fact (FRMF) dt. 30.04.16 to the Ld. The court in this case.

4. ASI S.G. Mazumder added that Sona Mondal was arrested into another case u/s 498 A IPC before the instant case at Kalna PS on the basis of the complaint of his wife whom he ousted from the house with the child. ASI S.G Mazumder could not give the case reference as he was not the I.O. if the case.

Lacunas found at Kalna Subsidiary Correctional Home

1. "GAMCHA" used for bathing by inmates of jail is used as a ligature (as used by UTP Sona Mondal).

Suggestion: Small size napkins could be given to reduce the chance of ligature utilization.

2. Wooden threshold (open) was used as ligature fixed loop by UTP Sona Mondal.

Suggestion: The open threshold should be closed by the construction of cement, bricks or other alternatives so as to avoid suicidal attempts. No hooks or fixed loops should be kept open.

3. The latrine was closed from inside, and attempts of suicide were not seen by anyone in the jail from outside.

Suggestion: Covering the private parts with opaque ingredients, the head and leg portion of latrines should be transparent and can be made visible from outside. This is possible if latrines are converted into commodes. A close watch monitoring system by day and night guards should be implemented at the closest proximity of toilets, urinals, and latrines (including CCTV coverage).

4. The Jail Authority informed ADG & IGP, Correctional Services by SMS at 11.42 hrs. i.e. long after Sona was found apparently dead at 09.05 hrs. The ambulance is kept at SDO Office which is far away from the Kalna Jail. Twice the Kalna S.D. The hospital refused to send a doctor

to the jail to attend the case of unnatural death. Finally, a doctor from S.D. The hospital declared the UTP dead at 13.50 hrs.

Suggestion:

- a) Co-ordination between jail authority and S.D. The hospital should be improved that no delay takes place in attending emergent condition.
 - b) Delay in informing the superior should be shunned.
 - c) Ambulance and doctor (round the clock) should be sheltered inside the jail premises or at the closest proximity of jail so that quick response is given to the patients on emergent conditions of the jail.
 - d) If Sona was lying unconscious after his hanging, the quick response of ambulance and doctor might have saved his life.
5. UTP Sona Mondal was found disappointed (mental state) in police custody as well as jail custody. He was placed before Ld. Court on the same day i.e. 27.01.16. However, he went to jail on 27.01.16 and committed suicide on 28.01.16. Jail Authority found him disappointed in the evening.

Suggestion: Jail Authority should actively initiate a counselor/psychiatrist in the jail or take action for medical check up/counselling of inmates.

Submitted

Sd/-

(S. SANTRA)
Inspector,

WBHRC