



## MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

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Dr  
14/7/10

C.D. Case No. 41/2009-10

With

Case No. 2127/2009-10

(Division Bench)

1500

**Name of the complainant :** Raghbeer Kaur Komalsingh Bungai  
R/o Abchanchalnagar Govindbaug, Sector 14  
House No. C-2/01, Nanded.

V/S.

1. District Magistrate  
Aurangabad.
2. The Superintendent  
Aurangabad Central Prison  
Aurangabad.

**Date :** 11.03.2010.

**Coram :** Justice Kshitij R. Vyas (*Former Chief Justice*), Chairperson.  
Shri Subhash Lalla, Former IAS

### PROCEEDINGS

(Per Chairperson)

The Commission received an intimation from Superintendent of prison, Aurangabad Central Prison, regarding custodial death of the prisoner Indrapal Singh @ Bunty Komalsingh Bungai on 08.06.09. The case is registered as **C.D. Case No. 41/2009-10**.

Mother of the deceased, Smt. Raghbir Kaur also filed the complaint dated 20.07.09 complaining foul play in the un-timely death of her son, blaming jail authorities. This complaint is registered as **M.S.H.R.C. case No. 2127/2009-10**.

Since the subject matter is common both the cases were clubbed. On 04.08.09 while issuing notice, and calling for reports in C.D. case, the Commission ordered to constitute D.B. to hear both the cases.

1. As per the allegations, made in the complaint filed by Raghbeer D Kaur, her son Indrapal Singh @ Bunty aged 23 years was an under trial prisoner, facing the trial U/S. 302 read with 34 I.P.C. He was Kept in Central Jail, Harsul, Aurangabad. On 09.06.09, he was brought by police personals at District & Sessions Court, Nanded as per the order of the court.

After proceeding, the case was adjourned. Police along with deceased returned back with warrant at Aurangabad, accordingly the deceased was handed over to Superintendent of the Harsul Jail. On the same night the deceased found dead in jail. The complainant alleges that P.M. report conducted by the concerned Doctor while reserving the final opinion, regarding the death of the deceased, provisionally opined that due to **Micro Biological Infection**, the deceased died in Central Jail. Ranbir Singh, the elder brother of the deceased on getting information obtained the dead body of the deceased and performed the last rites of the deceased. According to the complainant her son was quite young and healthy about 23 years of the age and it is not possible in an ordinary case, when a person can die by **infectious disease**, therefore, the death of the deceased was under the suspicious circumstances. The complainant has therefore, prayed for necessary enquiry and action against the Superintendent of Central Jail, Harsul, and has also prayed for compensation of **Rs. 10 Lakhs**.

2. The Superintendent of Central Jail, Aurangabad has filed his reply dated 22.10.09. A further report dated 25.02.10 was also filed by him. The District Magistrate, Aurangabad also submitted the enquiry report of the C.D. of prisoner Indrapal Singh @ Bunty of the enquiry conducted by Sub-Divisional Office, S.D.M., Aurangabad on 10.03.10.

3. We have gone through all reports produced in the proceeding carefully. On perusing the reports, it is clear that on 08.06.09 at about 5.20 a.m. the deceased Indrapal Singh with his co-accused Sher Singh and Indrajit Singh Nanak Singh were taken to the court of additional sessions Judge with police escort. After hearing all the 3 accused, returned back to the prison at about 11.05 p.m. with the same police escort. Jailer Group-2, Shri. D.S.Adhe admitted them in prison procedurally. The Search Hawaldar, Shri. Govind Gopinath Sonawane took search of 3 of them and found nothing illegal. Shri. D.S. Adhe asked them about their night meal, all the 3 told him that their relatives met them in court, and all of them had house meal, therefore, they have no desire to take meal. All of them were send to Anda Cell in room No.4 through Hawaldar Shri. Prakash Nikam. At about 11.55 p.m. it was reported that all the 3 accused were not feeling well. The C.M.O. Dr.Hange reported at 12.10 p.m., who after checking all the 3 accused opined that their condition was serious and therefore, they were to be admitted in Government Civil Hospital for treatment. At about 12.40 a.m. M.O. Dr. Patil reported in Anda Cell, who after checking all the 3 accused at 12.42 a.m. declared Indrapalsingh @ Bunty dead. Other 2 accused Sher Singh and Indrajeet Singh were transferred to Civil Hospital along with Dr. Hange in jail ambulance.

4. From the above facts, it is clear that all the 3 accused, without taking any food from jail, fell sick simultaneously. The deceased Indrapal Singh could not survive. The other 2 accused, had to remain in the hospital in serious condition. The police had called Executive Magistrate, Shri. B.D.Nage, Aurangabad who recorded dying declaration of Indrajit Singh on 09.06.09 and Sher Singh on 14.06.09. Sher Singh in his dying declaration has stated that after their case was adjourned, they met their relatives and had meal with them. Before they boarded the train, Indrapal Singh gave 2 tablets to him. He consumed tablets later on, however, Indrapal consumed tablets at that time Sher Singh and Indrajit Singh were admitted in Medical College and Hospital, Aurangabad on 09.06.09 and were discharged on 16.06.09 and 11.06.09 respectively. They were treated for consuming unknown poisoning. Indrajit in his dying declaration for unknown reason, has not mentioned about consuming tablets. However, for the reason he was admitted in the hospital along with Sher Singh for suspected case of poisoning, and was discharged within 2 days, it can be inferred that he might have also consumed, might be less quantity of poisonous tablet.

The P.M. report of the deceased does not indicate any internal or external injuries, therefore, torturing the deceased in the jail is totally ruled out. It is true that the regional Forensic Science Laboratory, Aurangabad who, after the analysis of the samples of the deceased did not find any poisonous substance, but facts remain that tablets were passed on to the accused by some one, (a stranger) when they met their relatives for lunch after the court proceeding at Nanded. The statement made before Executive Magistrate by the accused, and particularly Share Singh regarding lunch with family and is the admission on their part and will go to suggest that deceased died due to consumption of unknown tablet, while conditions of other accused became serious. Who passed on, unknown tablets to the deceased, and why C.A. has not noticed poison in the body of deceased, are the matters require thorough, investigation, especially when two co-accused Sher Singh and Indrajeet Singh were treated for consuming unknown poison. Statements in the forum of Dying Declaration before Executive Magistrate, a Government Officer and an independent person, by two inmates, cannot be ignored, when they admit to have consumed unknown tablets passed on to the deceased coupled with the fact that two out of three were treated for consuming poisonous substance. The guards on escort duty could have prevented, the entire episode, by showing extra vigil, by preventive passing of unknown substance to the deceased..

5. In view of above discussion, in our opinion the deceased died an accidental death in the jail. The jail authorities have taken all necessary care to provide treatment to the accused. Prima-facie the deceased died by consuming unknown tablets obtained by him from unknown person while he was in the company of his relatives, after the court proceedings were over. It

is a case of showing over leniency, casual approach, and carelessness shown by police guards, allowing prisoners to meet anybody, and to pass on drugs, resulting death which in our opinion is a serious misconduct on their part.

6. We ,therefore, recommend that the appointing authority of the concern police guards, who escorted the 3 accused to the Session Court at Nanded shall hold departmental inquiry in accordance with law regarding their alleged misconduct and lapses, and submit the compliance report, regarding the action taken.

We may clarify that complainant Smt. Raghbir Kaur, will be at liberty to file such proceedings, as are available, and claim compensation. The observations and findings recorded above, are prima-facie in nature, and will not come in her way if she decides to approach other forum.

Subject to above observations and recommendation we close both the cases and are disposed off.

Sd/-  
(Subhash Lalla)  
Member



Sd/-  
(Justice Kshitij R. Vyas)  
Chairperson.

Mumbai; 11.03.2010.