

**CASE OF CUSTODIAL DEATH OF SIDHESHWAR SAHNI**

**(File No. CD-3183/12)**

This file is about custodial death of under-trial prisoner Sidheshwar Sahni son of late Gagandev Sahni of village Sohijan, P.S. Hathauri, Dist. Muzaffarpur – lodged in Shahid Khudi Ram Bose Central Jail, Muzaffarpur – on 21.08.2012.

Sidheshwar Sahni (hereinafter referred to as deceased) was arrested by the Hathauri police in connection with Hathauri P.S. Case No. 73/12 in the night of 17/18.08.2012. He was remanded to judicial custody and accordingly admitted to Shahid Khudi Ram Bose Central Jail, Muzaffarpur on 18.08.2012. In the morning of 21.08.2012 he complained of vomiting and was admitted in Jail Hospital where he was treated by the jail doctor. As his condition did not improve, he was shifted to Shri Krishna Medical College Hospital, Muzaffarpur where he died on the same day.

On receipt of intimation about his death, copies of the relevant reports such as the inquest report, post-mortem report, magisterial inquiry report etc. were sought from I.G, Prisons, and on receipt thereof, they were sent to the family of deceased for their response. The deceased's brother, Lakhindra Sahni, submitted his response and the matter was finally heard

in his presence on 02.07.2013. Shri O. P. Gupta, Director, Probation Services appeared on behalf of I.G, Prisons.

At this stage it may be mentioned that as per the post-mortem report, the deceased died due to "haemorrhage and shock as a result of injuries caused by the impact of hard & blunt substance". The injuries - ante-mortem in nature - were found as follows:-

1. Abrasion 1 ½" x ½" over right lower part of chest which surrounding bruising just above and below right costal margin.
2. Abrasion ½" x ¼" over right parietal part of the hand.

On dissection the doctor found bruising of right lobes of liver 1" x ¾" with presence of clotted blood over right (illegible) of liver. On cutting the scalp muscles, presence of clotted blood over right parietal region between scalp muscles and scalp bone was found.

It is thus clear that the deceased had sustained internal injuries which proved fatal, and the injuries were apparently caused by assault by hard and blunt weapon.

Shri Gupta Submitted that as per the complaint the deceased was assaulted by the police before being sent to jail

and therefore the injuries found on the body of deceased are attributable to the police, and therefore the police should be held responsible for death of deceased.

The submission is fit to be rejected in view of the entries in the 'Performa for Health Screening' of the deceased. It may be mentioned here that at the time of admission of every prisoner to jail - as per the guidelines of the NHRC - he is subjected to screening of his health and physical condition. The deceased, after his admission to Shahid Khudi Ram Bose Central Jail, Muzaffarpur, was accordingly subjected to health screening on 19.08.2012 and the Medical Officer found nothing adverse on his body. If the deceased had really been assaulted by the police causing injuries - found on his body in the post-mortem, the doctor would not have missed to notice them. In view of the said 'Performa' prepared by none else than the jail doctor - the conclusion is irresistible that the deceased came to suffer the injuries inside jail between 19-20.08.2012. The Judicial Magistrate who conducted inquiry in terms of section 176 (1A) Cr.P.C. came to same conclusion.

In the circumstances the Commission is of the view that next of-kin of late Sindheshwar Sahni is/are entitled to monetary compensation. The loss of human life cannot be really compensated in terms of money but it may give some solace to the bereaved family.

In the facts and circumstances the compensation is quantified as Rs. 2.50 lakh.

The Commission, accordingly, directs Principal Secretary, Home (Special) Department, Govt. of Bihar to pay a sum of Rs. 2.50 lakh as compensation to the next - of - kin of late Sidheshwar Sahni within six weeks and submit compliance report to this Commission.

Put up on 19.08.2013 awaiting compliance report.

Copy of this order may be sent to (i) Principal Secretary, Home (Special) Department, Govt. of Bihar, (ii) I.G, Prisons, Bihar and (iii) Lakhindra Sahni, brother of late Sidheshwar Sahni, resident of village Sohijan, P.S. Hathaudi, Dist. Muzaffarpur - for information/necessary action as the case may be.

02.07.2013

(Justice S. N. Jha)  
Chairperson