

GAHC010073002017



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/86/2018

ON THE DEATH OF UMA PRADHAN, REP BY SRI DHARAM RAJ PRADHAN
W/O LT. GOPAL PRADHAN
R/O VILL- GANGAPUR
P.O. GORMAR, P.S. DHEKIAJULI
DIST. SONITPUR, ASSAM

1.1: SRI DHARAM RAJ PRADHAN
VILL- GANGAPUR
P.O.GORMAR
P.S.-DHEKIAJULI
DIST-SONITPUR
ASSAM.

1.2: SRI DILIP PRADHAN
VILL- GANGAPUR
P.O.GORMAR
P.S.-DHEKIAJULI
DIST-SONITPUR
ASSAM

1.3: SRI SAJAN PRADHAN
VILL- GANGAPUR
P.O.GORMAR
P.S.-DHEKIAJULI
DIST-SONITPUR
ASSAM

1.4: SRI KIRAN PRADHAN
VILL- GANGAPUR
P.O.GORMAR
P.S.-DHEKIAJULI
DIST-SONITPUR
ASSAM

1.5: MS. MONISHA PRADHAN
VILL- GANGAPUR
P.O.GORMAR
P.S.-DHEKIAJULI
DIST-SONITPUR
ASSAM

1.6: MS. NAMI PRADHAN
VILL- GANGAPUR
P.O.GORMAR
P.S.-DHEKIAJULI
DIST-SONITPUR
ASSAM

1.7: MS. BHIMA PRADHAN
VILL- GANGAPUR
P.O.GORMAR
P.S.-DHEKIAJULI
DIST-SONITPUR
ASSAM

(Petitioner NO.1. 4 TO 1.7 BEING MINOR
REPRESENTED BY THEIR ELDER BROTHER
I.E Petitioner NO.1.1

VERSUS

THE STATE OF ASSAM
THROUGH THE SECRETARY TO THE GOVT. OF ASSAM,
HOME AND POLITICAL AFFAIRS DEPARTMENT, DISPUR, GUWAHATI-6

2:THE SECRETARY TO THE GOVT. OF ASSAM

PERSONNEL DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE DIRECTOR GENERAL OF POLICE

ASSAM
ULUBARI
GUWAHATI -781007

4:THE INSPECTOR GENERAL OF PRISON

ASSAM
PANJABARI
GUWAHATI - 781037.

5:THE DEPUTY COMMISSIONER

SONITPUR
P.O. TEZPUR
DIST. SONITPUR
ASSAM
PIN - 784001

6:THE SUPERINTENDENT OF POLICE

SONITPUR
TEZPUR
DIST. SONITPUR
ASSAM
PIN - 784001.

7:THE SUPERINTENDENT OF JAIL

TEZPUR CENTRAL JAIL
TEZPUR
DIST. SONITPUR
ASSAM- 784001

8:THE JAILOR

TEZPUR CENTRAL JAIL
TEZPUR
DIST. SONITPUR
ASSAM- 784001

9:THE PRINCIPAL-CUM-CHIEF SUPERINTENDENT

GMC AND H
GUWAHATI

Advocate for the Petitioner : MR I HUSSAIN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 29-03-2023

1. Heard Mr. I Hussain, learned counsel for the petitioners. Also heard

Ms. D Borah, learned counsel appearing for the respondent No. 9 and Mr. N Goswami, learned counsel appearing for the respondent Nos. 1 to 8.

2. The petitioners herein are the children of the deceased under trial prisoner (UTP), who died while being lodged at Central Jail, Tezpur. Accordingly, this writ petition has been filed for a direction to be issued to cause an enquiry into the cause of custodial death of the deceased and to pay adequate compensation.

3. The facts of the case is that one UTP, Gopal Pradhan was arrested on 03.11.2017, in connection with Dhekiajuli Police Station Case No.1003/2017 under Section 304-B IPC read with Section 135 of the Electricity Act, 2003 and lodged at Central Jail, Tezpur on 04.11.2017. Due to his sudden illness, he was admitted in Kanaklata Civil Hospital at Tezpur on 13.11.2017. Thereafter, on being referred on the same day, he was brought to the Gauhati Medical College and Hospital (GMCH) wherein he died around 10:30 pm on 13.11.2017 itself.

4. On 14.11.2017 at 11:00 am post mortem on the deceased Gopal Pradhan was done at GMCH. However, the post mortem report relating to the cause of death of the said deceased Gopal Pradhan reflected that – “opinion regarding cause of death kept pending till receipt of Histopathological Examination Report from the department of Pathology of GMCH”.

5. A Magisterial Enquiry was conducted relating the death of said UTP Gopal Pradhan in judicial custody. However, due to non receipt of Histopathological Examination Report of the deceased, the concerned Magistrate on the basis of the materials available before him submitted his report on 18.01.2018, holding that the death of the said UTP Gopal Pradhan was not unnatural.

6. The respondent No. 9, who is the Principal-cum-Chief Superintendent,

GMCH, Guwahati has submitted an affidavit on 09.05.2022 along with the Histopathological Examination Report of Department of Pathology, GMCH, Hospital and the report from the Department of Forensic Medicine & Toxicology, Gauhati Medical College, Guwahati, which is to the effect that the death of the UTP was due to Hypertrophic Cardiomyopathy (Natural Death).

7. In view of the findings of the Medical Experts and the report of the Magisterial Enquiry, which shows that the UTP had died a natural death, this Court is of the view that the writ petition should be closed.

8. Accordingly, the writ petition stands closed.

JUDGE

Comparing Assistant