

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.353 of 2014

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Mundrika Pandit, son of Late Nagina Pandit, resident of village- Sheonan, P.S.-
Jehanabad (Korauna O.P.), District- Jehanabad

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna
3. The Principal Secretary, Department of Home Police, Government of Bihar,
Patna
4. The Collector-cum-District Magistrate, Jehanabad
5. The Jail Superintendent, Jehanabad Jail, Jehanabad

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Kaushal Kumar Jha, AAG-14

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 28-01-2015

The petitioner has filed the instant application under Articles 226 and 227 of the Constitution of India for issuance of a mandamus to the respondent authorities to grant compensation as the father of the petitioner died while he was lodged in Jehanabad jail as an under-trial prisoner.

It is admitted fact that father of the petitioner Late Nagina Pandit was lodged in custody in Sessions Trial No. 521 of

2012/390 of 2012 for the alleged offences under Sections 25(1-B)(a), 26 and 35 of the Arms Act, 3/4 of the Explosive Substances Act and 17 of the Criminal Law Amendment Act.

The contention of the petitioner is that his father was lodged in Jehanabad Jail as an under-trial prisoner for more than six years. One month prior to his death the petitioner was informed that his father is seriously ill. On such information the petitioner came to the Jail and contacted the Jail authorities. He requested them to take proper care but the Jail authorities of Jehanabad Jail did not bother to provide appropriate medical care to his father who died in P.M.C.H., Patna in course of treatment on 28.6.2013. It has further been contended that despite the bad health father of the petitioner was physically produced in the Court on 26.6.2013.

On the other hand, it has been contended on behalf of the State that late Nagina Pandit was aged about 76 years. He was an old and weak prisoner and was regularly treated by the Medical Officer of the District Jail, Jehanabad. As and when occasion arose, he was referred to Sadar Hospital, Jehanabad for better treatment. On 26.06.2013, when he had complained of vomiting he was immediately sent to the Sadar Hospital where he received necessary treatment. Again, on 27th June, 2013, when he complained about his health and did not respond to the medicines



provided in the jail the then Medical Officer of the District Jail, Jehanabad referred him to Sadar Hospital, Jehanabad for treatment. In the Sadar Hospital Jehanabad condition of father of the petitioner did not improve and hence a Medical Board was constituted under the Chairmanship of Civil Surgeon, Jehanabad on the same day, which considered his case and referred him to P.M.C.H. Patna. The recommendation made by the Medical Board was approved promptly by the District Magistrate and the Superintendent, District Jail, Jehanabad made necessary arrangement to send the prisoner to P.M.C.H. The patient was admitted in P.M.C.H. on the same day i.e. 27 June, 2013 where he died in course of treatment in the night intervening between 27th-28th June, 2013 at around 12.05 a.m.

The death certificate issued under the signature of the Superintendent, Patna Medical College and Hospital, Patna in order to corroborate the fact that father of the petitioner died in course of treatment at P.M.C.H. Patna has been brought on record as Annexure-B to the counter affidavit filed on behalf of the State.

Learned counsel for the State has submitted that the inquest report was prepared by the police officer and post mortem of the dead body of the father of the petitioner was conducted on 28th June, 2013 in the P.M.C.H. wherein the cause of death is

mentioned disease (natural).

Learned counsel for the State has further submitted that a Magisterial inquiry was also conducted in respect of the death of father of the petitioner and the Judicial Magistrate who conducted the inquiry had opined that the deceased was not inflicted with any physical or mental suffering and no negligence was committed by the jail administration with regard to his medical care or treatment. The post mortem report would show that the father of the petitioner died a natural death.

Having regard to the facts and circumstances of the case, I find substance in arguments advanced on behalf of the State. The materials available on record would indicate that the father of the petitioner died a natural death. Even in magisterial inquiry conducted by the Judicial Magistrate, it could not be found that the deceased died for want of medical attention. No case for award of compensation is made out.

In that view of the matter, I find no merit in the present application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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