

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15487 of 2005

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Kushmi Devi wife of late Ramdas Paswan R/o village Hilalpur, P.S. Industrial Area
(Hajipur)Distt. Vaishali (Bihar).

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar Main Secretariat,
Patna.
2. The Inspector General Prisons, Bihar Patna.
3. The District Magistrate, Vaishali at Hajipur
4. The Jail Superintendent District Jail Vaishali at Hajipur
5. The Jail Doctor, Dist . Jail, Vaishali at Hajipur.

.... Respondents

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 21-08-2015

None for the petitioner.

Heard Mr. Partha Sarthy GA-11 for the State.

Widow of late Ramdas Paswan has filed the writ
application for the relief(s) as culled out in para (1) thereof which
reads as under:-

“1. That this writ application is
being filed for issuance of writ of
mandamus commanding the Respondents to
pay a compensation of five lakhs to the
petitioner for custodial death of the
petitioner’s son due to negligence of jail
authorities and for further directions to the
respondents to hold enquiry to fix the guilt
of custodial death of the petitioner’s son
and take suitable action against the guilty
persons and for any other appropriate relief
or reliefs to which the petitioner is entitled.”

The compensation has been prayed for negligence on the

part of the respondents including the jail authority in affording medical assistance to the husband of the petitioner who was lodged in the jail in connection with a case.

In the counter affidavit on behalf of the respondent no.4 details of the medical assistance afforded to the inmate (husband of the petitioner) have been set out. It appears that owing to his ailment on several occasions he was admitted to the hospital and even referred to Sadar Hospital, Hajipur for treatment. This court from the pleadings on record does not find it a case where the husband of the petitioner died due to the atrocities committed on the inmate of the jail while lodged in jail. The husband died due to prolonged illness. It is difficult for this court in the writ jurisdiction to adjudicate upon the version/counter version of the parties and grant the compensation.

The writ application is dismissed.

Dismissal of this application shall not preclude the petitioner from approaching the appropriate authority/forum for redressal of her grievance as raised in the present writ application.

(Kishore Kumar Mandal, J)

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