

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.3102 Of 2013
(Through hybrid mode)**

Puna Bhoi and another

....

Petitioners

Mr. J.D. Barik, Advocate

-versus-

State of Orissa and others

....

Opposite Parties

Mr. A.K. Sharma, AGA

CORAM: JUSTICE ARINDAM SINHA

**Order
No.**

**ORDER
21.04.2022**

7.

1. Mr. Barik, learned advocate appears on behalf of petitioners and submits, his client's claim compensation for custodial death of Rabinarayan Bhoi.

2. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State and refers to post mortem, viscera and final reports. On query from Court he submits, the deceased was accused in police case under, inter alia, sections 498-A/302/34 of IPC, on death of his wife. He was in custody for two months, when he suffered cardiac arrest. It was a natural death. The death happened on 13th September, 2007 but the writ petition was presented on 7th February, 2013.

3. Mr. Barik submits, his clients had made representations dated 17th November, 2011 and 10th July, 2012. The representations were not considered.

3. On query from Court Mr. Sharma submits, there is no policy in place regarding accused undertrials cheating with natural death while in custody.

4. Perused the reports. The post mortem report says there was no mark of external physical injury. The viscera report is also negative regarding ingestion by the deceased, of any drug or position etc. The final report says that it was natural death. There is also no dispute that the deceased died after having spent two months in custody.

5. In circumstances aforesaid, State is directed through its appropriate functionary to consider and dispose of above referred representations made by petitioners. Result of the consideration be made known to them within three weeks of communication.

6. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks