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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 3735/2018**

HAMILTON SAMUEL

.....Petitioner

Through: None.

Versus

STATE OF DELHI & ORS.

.....Respondent

Through: Mr. Yasir Rauf Ansari, Ld. ASC for
State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

17.01.2025

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1. A Letter dated 12.11.2018 was received from Mr. Hamilton Samuel S/o Lt. Mr. Samuel Hizkel R/o H.No.117, Block-C, Chander Vihar, Noloithi Extension, Nangloi, Delhi, stating that his son Arpit Hamilton was in judicial custody in case FIR No.332/16 under Section 420/467/468/471/120-B IPC, since 26.10.2016. At the time of the arrest, he was in perfect physical condition and was not suffering from any disease/infection. On 16.10.2017, Jail Authorities admitted his son in Den Dayal Upadhyay Hospital for treatment, but the family members were intimated after 18 hours. It was alleged that the Jail Authorities and Doctors did not inform about the right health condition of his son Arpit Hamilton, which deteriorated day by day, as a result of which he died in hospital on 24.10.2017.

2. On 28.10.2017, he made a Complaint to SHO, Hari Nagar against the



Jail Authorities, but no action was taken. It was alleged that due to carelessness and negligence on the part of Jail Authorities, his son had lost his life. He requested for investigations in the matter.

3. The Letter was treated as Writ Petition and was placed before this Bench. Pursuant to the directions of this Court dated 19.09.2023, a **Status Report** had been submitted on behalf of the Respondent, wherein it has been explained that the deceased inmate Arpit Hamilton was admitted in Tihar Jail on 01.11.2016. During the trial in FIR No.332/2016, he died in DDU Hospital on 24.10.2017.

4. As per the available record, the deceased had not divulged any history of chronic illness at the time of his medical examination after admission in the Jail. The Jail Doctor also did not find any fresh external injury and his vitals were normal.

5. Subsequently, Arpit Hamilton started visiting Jail OPD for complaints like multiple boils on back, Cururis Scabies, Tinea Corporious, etc. and was treated for skin ailments by the Jail visiting Skin Specialist and was given appropriate medication.

6. On 15.10.2017, he came to the Jail Dispensary in emergency with complaints of general weakness and dizziness. In view of his hypotension condition since he had Blood Pressure of 96/68 mmHg, he was admitted in the Dispensary immediately and medical treatment was given to him on 16.10.2017.

7. On the next day, since there was no improvement in his parameters, he was admitted in DDU Hospital in emergency in ICCU-6 Ward. On 17.10.2017 the sickness Report was received from Dr. Tejas Krishna, Senior Resident, Deptt. of Medicine DDU Hospital that the patient's general



condition is critical. His HB 2.79 ml & Platelet count was 35000.

8. Upon receipt of this information, the Jail officials immediately conveyed his health condition to his family members through the office of SHO, P.S. Nihar Vihar & Roop Nagar.

9. On receiving the information, Mr. Hamilton Samuel visited the Jail to seek permission to meet his son in DDU Hospital on 23.10.2017. His request was allowed and he had a mulakat of 30 minutes during normal meeting hours.

10. Unfortunately, despite best medical care and treatment, Arpit Hamilton could not be saved and he expired at DDU Hospital on 24.10.2017 at 08:05 A.M.

11. Intimation of his demise was recorded vide DD No.21B dated 24.10.2017. The intimation of his death was sent through wireless message to NHRC, CMM (Delhi), Trial Court, Govt. of NCT of Delhi, SHO P.S Hari Nagar, Roop Nagar and Nihal Vihar apart from others and Inquest proceedings were initiated by the learned M.M Tis Hazari Courts, Delhi, and nothing suspicious was found in the demise of Arpit Hamilton. It was concluded in the Inquest Report that in the light of statement of the Doctors and other witnesses, particularly the medical treatment of the deceased at Central Jail Hospital and DDU Hospital and the opinion of the Doctor who had conducted the Post Mortem, *Arpit Hamilton expired due to septicaemia as a result of bilateral lung infection and its complications and the death was natural.* There was no suspicion of any foul play suspected in the demise of deceased Arpit Hamilton. The Inquest was thus, concluded.

12. From the record and also from the Letter dated 12.11.2018 received from Samuel Hamilton, it is evident that it was almost after one year of his



admission in the Jail, that he fell sick. The Jail record also show that he had been suffering from various skin ailments for which he was receiving treatment. He remained admitted in the Hospital for ten days before he expired on 24.10.2017. There is no foul play which has been found; rather his death was found to be natural.

13. None has been appearing for the Petitioner.

14. In the circumstances, no further action is warranted. The matter is closed.

NEENA BANSAL KRISHNA, J

JANUARY 17, 2025/va