



## MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Terminus (VT), Mumbai - 400 001  
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SHRC/VGM/02/2010/ 385  
Date: 06<sup>th</sup> February 2010

Case No. - 432/16/2006-07 with

CD Case No. 1440/16/2005-06

Name of the Complainant : Pradeep Govind Bhalekar  
Ram Niwas Datta Wadi  
Opp Datta Mandir, Nr Iqbal Bakery,  
Kurar Village, Malad (E), Mumbai - 97

Vs.

- 1 The Dy Commissioner of Police  
Zone - III, Mumbai
- 2 Superintendent  
Central Prison, Mumbai

Date : 18 January 2010

Coram : Justice V G Munshi, Member

## ORDER

Read the averments made in the complaint and Reports received from Inspector General of Prisons, Pune and Dy Commissioner of Police (Zone - III), Mumbai. Read the case papers.

2. Channappa Avdayappa Ambi (deceased) was convicted by Sessions Court Gadhingalaj, Dist. Kolhapur on 10.03.2000 and he was sentenced to suffer imprisonment for life and fined Rs. 1000/- imprisonment for one year.



He was transferred from Central Prison, Kolhapur to Central Prison Mumbai on 23.01.2006 to work as night watch man.

3. According to the complainant the said convict that on 27.01.2006 did make complaint of chest pain. The other inmates of jail immediately taken him to the Jail Hospital. Chief Medical Officer Dr Phatan was present on duty in Jail Hospital and was talking with other special jail inmates. It was alleged that Dr Phatan neither examined the patient nor did give him any medicine. Dr Pathan even refused to refer the patient to J J Hospital for further examination and for better medical treatment. It was alleged that Dr Pathan used to accept amount of Rs. 500 to Rs. 1000 for referring any such patient to J J Hospital. It was further alleged that Dr Pathan did not at all refer the patient to J J Hospital. Thus, the patient died in hospital at about 12.45 p.m. Therefore, the complainant moved the Commission for necessary action in this matter.

4. Respondent Director Inspector General (Prisons) by filing their reply denied and disputed all the allegations of in action on the part of Jail Doctor. According to him the patient was immediately taken to Prison Hospital and he was given treatment. The patient died while taking treatment. In short according to them proper medical treatment was given to the patient and proper care was taken.

5. Respondent Dy Commissioner of Police (Zone - III), Mumbai by filing their report, did mention the formalities which they did complete, in this matter. According to them the patient died because of "Acute myocardial infraction."

6. Therefore, we have to view the case in the light of facts and circumstances brought on record.

- (i) The inquest panchnama was held in presence District Magistrate and other officers. Autopsy was held on body of the deceased. The patient was getting acute pains in his chest and the medical officer opined that the patient died because of "Acute myocardial infraction." There was no difference of opinion on the point that the patient died because of heart problem.



R/R,HRG - RECOMM

- (ii) It was not a case of ill treatment, harassment nor any such allegations were made in the complaint.
- (iii) The only question remains to be answered in this matter is whether the death occurred because of inaction or negligence on the part of the medical officer who was on duty in Prison hospital. It was alleged that the Doctor neither examined the patient nor did give him any medical treatment. In other words, according to the complainant, the patient died for want of medical help and deliberate negligence on the part of Doctor on duty.
- (iv) The Respondent Dy Commissioner of Police (Zone - III) Mumbai recorded statements of the witnesses and given following report

*"(Deceased) Prisoner Chinnappa Avdayappa Ambi, under going sentence of life imprisonment that on 22.01.2006 was transferred from Kolhapur Central Prison to Mumbai Central Prison. That on 26.01.2006 he was getting pains in chest and therefore, the inmates of jail taken him to the Prison Hospital. As per the statements of orderly Kangare, prisoner Mustaq Shaikh and Dr Pathan, it was recommended to shift the patient to J J Hospital for further treatment and accordingly orderly Kangare informed Jail Superintendent Shri Naik.*

*Even then the prisoner was in jail till 12.35 p.m. on 27.01.2006 and it is a fact that, he died because of acute pains in chest and the patient would not have been died if he could get proper treatment in time."*

The report mentions that the papers of treatment were not available in Hospital. Thus, the report mentions that the patient died for want of proper treatment in time. I see no reason to disagree with the report.



