



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus,
(CSMT) Mumbai – 400 001



Tel : 022-22092857

E-mail: court1-mshrc@mah.gov.in

No. MSHRC/AMB/10/2025/ 2362
Date: 31 October 2025

To,

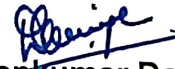
1. The Additional Chief Secretary
Home Department,
Mantralaya, Mumbai
2. The Director General of Police
State of Maharashtra
Mumbai
3. The Additional Director General of Police
& Correctional Services
Pune
4. The Superintendent
Amravati Central Prison
Amravati

Sub: Order in Case No. 128/2017 dated 29.09.2025

I am directed to intimate to you to comply with the orders / directions of the Commission.

You are requested to comply with the orders within one month or as specified in the order. The compliance report be kindly submitted to this office as per Section 18 (e) of the Protection of Human Rights Act, 1993 r/w. Regulation 22 to 24 of the Maharashtra State Human Rights Commission (Procedure) Regulations, 2011.

Encl. Order copy (05 Pages)


(Pradeep Kumar Dange, IAS)
Secretary



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Division Bench

Case No. 128/2017 | 2862

Name of the Authority : Superintendent,
Central Prison,
Amravati.

Name of the Deceased : Aashish Anup Baranwal

Date of Death : 29.07.2017

Date : 29.09.2025

Coram : Justice, A.M.Badar,
Chairperson
Shri Sanjay Kumar, Member

PROCEEDING

(per: Sanjay Kumar, Member)

1. This is a case in respect of custodial death of under Trial Prisoner, Aashish Anup Baranwal (hence deceased), who committed suicide by hanging inside toilet on 29.07.17, between 2.00am to 2.30am, at barrack No. 7, Circle No. 2, New Jail, Central Prisoner, Thane.

Sanjay

2. The deceased was admitted in the Thane Central Prison on 13.07.2016 under remand warrant of Hon'ble District Session Court-2, and Additional Session Court Vasai, in Valivie Police Station, Cr.no. 336/2016 Special Case no. 633/2016 U/s. 376 (d), 363, 114, 109 IPC r/w. Protection of Children from Sexual Offence (POCSO) Act, 2012 U/s. 4, 6, 8, 12, 16, 21.
3. The Superintendent Thane Central Prisoner intimated the State Commission through wireless message dtd. 29.07. 2017. The Commission has taken the cognizance of the matter on 07.08.2017 and asked for relevant reports from the Superintendent Central Prisoner, Thane, as well as from District Magistrate and Collector Thane.
4. The commission is in receipt of all relevant documents associated with the suicide of prisoner along with Magisterial Enquiry report conducted U/s. 176 by Executive Magistrate.
5. The Magisterial Enquiry was conducted by SDM Thane. During the inquiry the statement of the mother of the deceased, Usha Anup Baranwal, was recorded. In which she has expressed suspicion about death of his son. The CCTV installed into the barrack shows that the deceased has gone towards the toilet alone there is no evidence suggesting any foul play or custodial assault to the deceased by the inmates or Jail Authority. The Final cause of death was given as "asphyxia due to hanging". The postmortem notes did not show any external injury except resulting from the hanging. During the inquiry no negligence in security of the prisoners from the Prisoner Authority was found.

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6. The perusal of documents such as Postmortem Notes, Inquest Panchama, Chemical Analysis Report, Histopathology Report revealed that there was no external injury on the body of the deceased except those associated with suicidal hanging. The final cause of death after postmortem conducted by the experts was given as "asphyxia due to hanging".
 7. Custodial death is one of the worst crimes in a civilized society governed by the rule of law. The rights enshrined in Article 21 of the Constitution require to be jealously and scrupulously protected.
 8. Although, in this case, on the basis of report and enquiry it was inferred that the death was suicidal, however, it is the fact that the safety and security of the Prisoner was the responsibility of the concerned Prison authority. There is a great responsibility on the prison authorities to ensure that the citizen in its custody is not deprived of his right to life. His liberty is in the very nature of things circumscribed by the very fact of his confinement and therefore his interest in the limited liberty left to him is rather precious. The duty of care on the part of the State is strict and admits no exceptions. Any incident affecting the life of individual including suicide under the custody of Police or Prison Authority, where he is kept for safety, security and protection, for any lapse, intentional or otherwise, state is vicariously liable for the same.
 9. Following the welfare concept, even in motor accidents and other acts of fatal accidents, the concept of 'No Fault Liability' is emerging. Attempting to keep a track with the doctrine of 'Strict Liability' by analogous principle, this should be applied in the case of custodial death, including suicide,

Sign

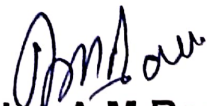
while in judicial custody. The next of kin and other dependent family members suffer because state failed in providing security to their breadwinner.

10. It is now a well-accepted proposition in most of the jurisdictions that monetary or pecuniary compensation is an appropriate and indeed an effective and sometimes perhaps the only suitable remedy for redressal of the Infringement of the fundamental right to life of a citizen and the State is vicariously liable for their acts. The objective is to apply balm to the wounds. The state commission is of the view that kin of the deceased should be paid compensation for the lapses in keeping the deceased safe and secure. While awarding the compensation to next of the kin of the deceased, the State Commission has accepted the amount prescribed in the GR issued by Govt. of Maharashtra on April 28, 2025 in regard with suicide committed by the prisoner in custody.
11. In view of the above, the State Commission, by invoking its power assigned in section 18 of The Protection of Human Rights Act, 1993, makes following recommendations:
 - a. The state is recommended to pay to next of the kin of the deceased (Aashish Anup Baranwa) a compensation of Rs.1,00,000/- (One Lakh) within 8 weeks, from the date of receipt of this order. In case of failure, the State will be liable to pay interest on amount of compensation at rate of 8% simple Interest per annum till actual realization of the whole amount.
 - b. Ld. Secretary attached with the Commission will forward the copy of the order to the office of Additional Chief Secretary, Home

Department, Mantralaya, Mumbai, Director General of Police, Maharashtra State, Mumbai and Addl. Director General of Prison and Correctional Services, Pune for necessary compliance in accordance with the provision u/s 18 (e) of Protection of Human Rights Act, 1993 r/w regulation 22 to 24 of Maharashtra State Human Rights Commission (Procedure) Regulation, 2011.

- c. With these recommendations, case no 171/12-13, is closed and stands disposed. Office is directed to inform the kin of the deceased about order.


(Sanjay Kumar)
Member, SHRC


(Justice A.M. Badar)
Chairperson, SHRC