



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

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(CSMT) Mumbai - 400 001



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No. MSHRC/AMB/01/2026/
Date: January 2026

To,

1. The Superintendent
Nashik Road Central Prison
Nashik
2. The Commissioner of Police
Nashik
3. The District Magistrate
Nashik

Sub: Order in Case No. 194/2017 dated 18.11.2025

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



Division Bench
Case No. 194/2017 / 30.78

Name of the Authority : 1. The Superintendent
Nashik Road Central Prison,
Nashik.
2. The District Magistrate,
Nashik.
3. The Commissioner of Police,
Nashik.

Name of the Deceased : Mohangiri Guruji Dayagiri
@Gautam Kashinath Joshi.

Date of Death : 13.10.2017
Date : 18th November 2025
Coram : Justice, A.M.Badar,
Chairperson
Shri Sanjay Kumar, Member

ORDER

(per: Sanjay Kumar, Member)

1. This is a Case of Custodial Death of convicted Prisoner Mohangiri Guruji Dayagiri @ Gautam Kashinath Joshi who committed suicide on 13.10.2017, at Nashik Road, Central Prison, Nashik. This case was initiated on the intimation of Superintendent of Prison Nashik Road, on 13.10.2017, for which the Commission has taken cognizance on 17.10.2017 and asked Jail and District Administration to submit a fact-finding inquiry report in this matter.

2. The Prisoner Mohangiri Guruji Dayagiri @ Gautam Kashinath Joshi was arrested by Kinwat Police Station, District Nanded in Cr.No.0033/2004, U/s.302 Indian Penal Code, (IPC). Hon'ble Additional Sessions Judge Nanded, on 18.08.2005, in Sessions Case No. S.C. 92/2004, convicted the prisoner and sentenced him to undergo rigorous imprisonment for life and to pay a fine of Rs. 500/-
3. The said prisoner entered Nashik Central Prison after being transferred from Morshi open District Prison, on 10.11.2015, to undergo further sentence. On 13.10.2017, in the night between 00.00 and 00.40 hrs, the said prisoner committed suicide in the bathroom of open prison barrack in the hospital section. The duty Jail Guard Shri. Abasaheb Janardan Mate was first to see the deceased and informed Prison Officials, accordingly.
4. The Prisoner, Mohangiri Guruji Dayagiri @ Gautam Kashinath Joshi, was suffering from hypertension for which from the date of admission till his death was provided with timely treatment. The Prisoner was examined and declared dead by on duty Medical Officer of Prison Dr. N.R.Sasane on 13.10.2017 at 00.45 hrs.
5. The Commission is in receipt of all relevant documents related with the suicide of Prisoner including Inquest Panchanama, Postmortem Notes, Magisterial Inquiry Report U/s. 176 of Cr.P.C. and final cause of death.
6. The Inquest Panchanama as well as postmortem notes mentioned no external injury on the body of the deceased except those related with suicide by hanging. The final cause of death was given as "asphyxia due to hanging"
7. The Executive Magisterial Inquiry was conducted U/s. 176 of Cr.P.C by Sub-Divisional Magistrate Nashik, Sub-Division Nashik. The inquiry

report concluded that there are no specific complaints or suspicious documents regarding the death of prisoner. Therefore, Executive Magistrate opined that death has occurred due to suicide by hanging voluntarily.

8. 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, especially in the case of Custodial Death.
9. Although, in this case, on the basis of report and enquiry, it was inferred that the death was suicidal, however, it is a fact that the safety and security of the Prisoner is 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 in case of prisoner.
10. 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.
11. Following the welfare concept, even in motor accidents and other acts of fatal accidents, the concept of 'No Fault Liability' is emerging. 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, while in judicial custody. The next of kin and other dependent family members suffer because State failed in providing

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security to their breadwinner. The duty to take care and protection of prisoner in custody lies with the State, and in this case Jail Officer failed to do so. State being parents patriae of its citizens, is vicariously liable to pay compensation to the next of kin (NOK) of deceased.

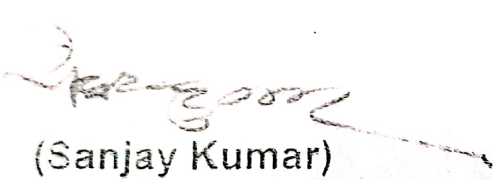
12. It is now a well-accepted proposition in most of the jurisdictions that monetary or pecuniary compensation is an appropriate and indeed an effective and sometimes perhaps the only suitable remedy for redressal of the Infringement of the fundamental right to life of a citizen and the State is vicariously liable for their acts. The objective is to apply balm to the wounds.

13. The State Commission is of considered 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 Government of Maharashtra on April 28, 2025 in regard with suicide committed by the prisoner in custody.

14. 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 (Mohangiri Guruji Dayagiri @ Gautam Kashinath Joshi) a compensation of Rs. 1,00,000/- (One Lakh Only) 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 194/2017, 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