



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/01/2026/ 673
Date: 26 January 2026
Feb

To,

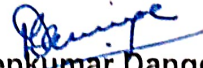
1. The Additional Chief Secretary
Home Department
Mantralaya, Mumbai
2. The Director General of Police
State of Maharashtra, Mumbai
3. The Additional Director General of Prison
& Correctional Services
Pune
4. The Superintendent of Police
Pune
5. The District Magistrate
Pune

Sub: Order in CD Case No. 4575/2018 c/w. Case No. 5616/2018
dated 18.01.2026

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 (07 Pages)


(Pradeep Kumar Dange, IAS)
Secretary



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Division Bench

Case No. 4575/2018

Case No. C/W.5616/2018

- Name of the Authority** :
1. The Superintendent of Police,
Pune.
 2. The Collector,
Pune.
 3. The Additional Chief Secretary
Home Department Mantralay,
Mumbai.
 4. Shri. Rajendra Popat Kamble
Assistant Sub-Inspector,
Aale Phata Police Station,
Pune.
 5. Shri. Devram Nimba Dhadwad,
Retired Police Head Constable,

Name of the Deceased : Kukya @ Suldass Umbrya Kale

Date of Death : 14.06.2018

Date : 18 January 2026

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

ORDER

(per: Sanjay Kumar, Member)

1. This case is in respect of Custodial Death of Prisoner Kukya @ Suldass Umbrya Kale, age 25 years, who died on 14.06.2018. It is registered on

the intimation of SP, Pune Rural, as Case No. 4575/2018. During same period an application from Shri. Mithun Umbrya Kale was filed at Commission about suspicious custodial death of Shri. Kukya @ Suldass Kale at Ghodegaon Sub-Jail vide affidavit dtd. 21.06.2018. This application was registered at Commission vide no. 5616/2018. As both the applications were for the same cause that is Custodial Death of Kukya @ Suldass Kale at Sub-Jail, both the cases were clubbed together and assigned registration no. 5616/2018 clubbed with 4575/2018, and treated as one case.

2. In pursuant to the application, reports were asked from the concerned authorities; Superintendent of Police, Pune and District Magistrate, Pune. In response to which various reports over the period were submitted by the respondents. Opportunities were also given to the complainant, to submit his say.

Brief facts of the Case

3. Kukya @ Suldass Umbrya Kale "hence deceased" was transferred in the case of Manchar Police Station registered vide Cr.No. 39/2017 U/s. 457, 458, 459, 380, 394, 376 (2), 506, 304 IPC from the case registered at Ghodegaon Police Station vide Cr.No. 98/2018 U/s. 399, 402 IPC on 13.06.2018 and arrested by Manchar Police Station at 21:54 hours. The deceased was produced on 14.06.2018 before the JMFC Ghodegaon and requested to transfer the deceased into judicial custody remand for identification parade. On the request of the Police, Judicial Custody remand was granted to the deceased for four days and was ordered to be kept at Sub-Jail Ghodegaon. ASI, Rajendra Kamble, Shri. Vinayak S

Pokharkar, Home Guard and Police Head Constable, Shri. Devram Nimba Dhadwad, Buckle No. 321, were assigned as guards to provide security to the prisoner in Sub-Jail, Ghodgaon on 14.06.2018. The Prisoner Kukya @ Suldass Umbrya Kale committed suicide by hanging himself with the help of rope of the torn blanket at Ghodegaon lock up at 19.50 hours. After death, the family members of the deceased were informed on phone.

4. As mandated into the Cr.P.C, as well as guidelines provided by the Hon'ble Supreme Court and NHRC, all procedures except inquiry by the CID have been followed by the Police authority. A judicial inquiry into the custodial death was conducted by Hon'ble JMFC Ghodegaon, M A K Shaikh, as per section 176 (1-A), of Cr.P.C. and report submitted to the Commission. The inquiry officer examined and recorded the statement of 17 witnesses, including the brother of the deceased, Mithun Umbrya Kale and perused the papers related with the death of prisoner Kukya @ Suldass Umbrya Kale. The postmortem notes mentions "cause of death due to hanging". The column, enlisting injuries, it is mentioned that "except ligature marks, there were not any other external injuries found over the body". In his statement, Mithun Umbrya Kale alleged about physical torture of his brother during the Police Custody.
5. Considering all the facts, the Hon'ble Judicial Magistrate First Class has concluded that the accused of Cr.No. 393/2017, Kukya @ Suldass Umbrya Kale has committed suicide, during judicial custody voluntarily. He has obliquely mentioned the negligence of the Police Officers on guard duty.

6. The Postmortem notes mentions the cause of death "due to hanging, viscera preserved for chemical analysis and histopathological examination. In the column related with the external injury it is mentioned about ligature marks of hanging. Besides, it mentions that "multiple incisions were given over the body to rule out injuries, no injuries found".
7. For the death, an ADR vide no. 27/2018 U/s. 174 Cr.P.C. registered at Ghodegaon Police Station. The said AD was inquired by the then officer in charge of the Police Station Ghodegaon, API, Pradeep Pawar. After investigation the said AD no. 27/2018 was finalized as suicide by hanging, by SDM Junnar, on 30.08.2021.
8. During the proceeding, the father of the deceased Umbrya Lehrya Kale has submitted his say through an application dtd. 17.11.2024, in which he has reiterated the allegation of physical assault resulting into death of his son but failed to provide substantial reasoning for the same.
9. For the negligence of the Police Officer deployed as a guard of the prison in which the deceased committed suicide, a departmental proceeding was conducted against ASI, Rajendra Kamble and Police Head Constable, Devram Nimba Dhadwad. After, inquiry they were found negligent in their duties for which a punishment of deduction 10 % of their basic salary was order by SP, Pune Rural.
10. As per the provision of the Act under section 16, the delinquent officers were asked to submit their say for which they have said that they have nothing additional to say in this matter. Their statement recorded during the departmental proceeding should be treated as their defence.



Accordingly, the statements were perused, nothing substantial was mentioned in their statements. The inquiry officer has considered their statements while concluding the inquiry and awarding the punishment.

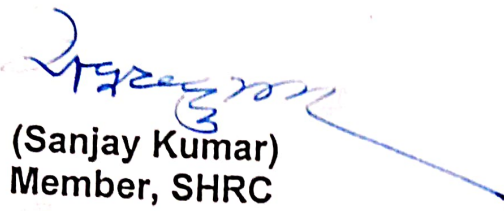
11. Although, in this case, on the basis of report and enquiry, it was inferred that the death was suicidal. However, it is a fact that the safety and security of the Prisoner is the responsibility of the concerned Prison authority. There is a great responsibility on the prison authorities to ensure 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.
12. 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.
13. 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 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

parens patriae of its citizens, is vicariously liable to pay compensation to the next of kin (NOK) of deceased.

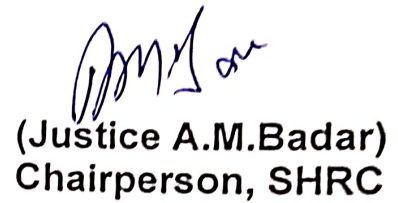
14. It is now a well-accepted proposition in most of the jurisdictions that monetary or pecuniary compensation is an appropriate and indeed an effective and sometimes perhaps the only suitable remedy for redressal of the Infringement of the fundamental right to life of a citizen and the State is vicariously liable for their acts. The objective is to apply balm to the wounds.
15. 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.
16. 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 (Kukya@ Suldass Umbrya Kale) 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 4575/2018/C/W.5616/2018, is closed and stands disposed. Office is directed to inform the kin of deceased about the order.



(Sanjay Kumar)
Member, SHRC



(Justice A.M. Badar)
Chairperson, SHRC