



Banglar

Manabhadhikar Suraksha Mancha (masum)

40A, Barabagan Lane, Serempore,
Hooghly - 712 203 West Bengal, India

Phone : +91-33-2622-0843/45
Tele Fax : +91-33-2622-0843
E-mail : masumindia@gmail.com
Web : www.masum.org.in

14.08.2020

To
The Chairperson
National Human Rights Commission
Manav Adhikar Bhawan
Block- C, GPO complex, INA
New Delhi – 110023

Respected Sir,

Here I want to draw your kind attention upon one incident of custodial death of one male belongs to Scheduled Caste community in the Jail custody at Dum Dum Central Correctional Home. This incident proves another time that how the police personnel torture upon an accused to confess his guilt and irresponsible attitude of the jail authority who are enjoying full impunity after causing to death of the victim and irresponsible behavior towards the family members of the victim.

In this incident one male was falsely charged in the case of murder of Mrs. Tapati Mondal, W/O Ujjal Mondal residing at village Shibpur under Bongaon Police Station. It is to be noted that the victim is the brother of Mrs. Tapati whose body was found in fully burned condition from a pile of jute sticks which was also burned. The incident occurred on 18.12.2019. Bongaon Police registered a case of murder of Mrs. Tapati. The victim was arrested on 20.12.2019 at about 2.30 am from his own house by police personnel of Bongaon Police Station. In Police custody brutal torture was inflicted upon the victim. From Police custody he was transferred to Jail custody after eight days of his arrest. He was transferred to Dum Dum Central Correctional Home and on 28.01.2020 he breathed his last there. In fact finding details I narrate the details of the incident.

It is alleged that the jail authority did not timely taken the victim to the hospital for medical treatment. His family was not informed when his health condition deteriorated and even after his death they did not inform the family members. Dum Dum Police Station started an unnatural death case number 07/2020 dated 28.01.2020. It is also alleged that the inquest of the deceased victim was not done by any Judicial Magistrate which is completely violated of section 176 (1A) of the Code of Criminal Procedure where it is stated in case of custodial death, inquest should be done by a Judicial Magistrate.

It is to be noted that on 23.01.2020 Supreme Court of India issued notice to the Centre and States on implementation of section 176 (1A). But the present position is still same as in previous. The matter is a grave one which proves the collapse of Criminal Justice System in the State of West Bengal.

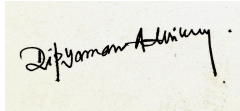
The involved perpetrators violated basic premise of Article 21 of Indian Constitution as well as the international obligations stated in Article 6 (1) and 7 of International Covenant on Civil and Political Rights as well as the Goal number 8 and 16 of Sustainable Development Goal

earmarked by United Nations and in both these international instruments; the government of India is a party and have agreement.

I am appending a brief account of the incident for your easy reference and demand for –

- An urgent and independent investigation, not by Bongaon Police Station, over the incident.
- Stern penal action should be taken against Sub Inspector of Bongaon Police Station Mr. Paritosh Halder and one Mr. Prasenjit, a police person who was torturing upon the victim during his police custody.
- The erring police personnel of jail authority, and other police personnel relating to this case who try to hide the truth of the case must be booked under appropriate legal provisions and be tried in open court of law.
- The Unnatural Death case initiated by Dum Dum Police Station on 28.01.2020 must be investigated properly under the appropriate penal provision.
- This case should be investigated by investigation wing of NHRC or state CID.
- Disciplinary action should be taken against those police officials who being known this case as a custodial death, not to inform any judicial magistrate for inquest the deceased body.
- NHRC's 'Revised Guidelines/ Procedures to be followed in courses of deaths caused in police action' must be adhered in letter and spirit.
- The family must be provided with financial compensation and adequate safety and security of the family members and witnesses must be ensured.

Sincerely Yours



Dipyaman Adhikary

Assistant Secretary

Banglar Manabadhikar Suraksha Mancha (MASUM)

.....

Details of the victim- Mr. Bhim Mondal (deceased), Son of Triptipada Mondal, Santilata Mondal, residing at village Shibpur, P.O. Monigram, P.S. Bongaon, District- North 24 Pargana

Details of secondary victims- (1) Lovely Mondal, wife of Bhim Mondal, aged about 25 years; (2) Rupam Mondal, son of Bhim Mondal, aged about 10 years; (3) Santilata Mondal, mother of Bhim Mondal, aged about 65 years. All are residing at village Shibpur, P.O. Monigram, P.S. Bongaon, District- North 24 Pargana

Details of Perpetrators – (1) On duty police personnel of Dum Dum Central Correctional Home; (2) Mr. Paritosh Halder, Sub Inspector of Police Bongaon Police Station and one Mr. Prasenjit, a police person of Bongaon Police Station.

Date and Time of the Incident – On 20.12.2019 at about 2.30 am and subsequent thereafter.

Place of the incident – Bangaon Police Station and Dum Dum Central Correctional Home.

Details of incident- On 20.12.2019 at about 2.30 am Mr. Bhim Mondal was arrested by the police personnel of Bangaon Police Station from the house of the victim. Police of Bangaon Police Station arrested the victim on suspicion that the victim was somehow connected in a murder case of Mrs. Tapati Mondal bearing Bangaon Police station case number 1019/2019 dated 20.12.2019 under section 302/102 of Indian Penal Code.

Family members of the victim told to our District Human Rights Monitor that on 20.12.2019 at about 2.30 am one sub inspector from Bangaon Police Station namely Mr. Paritosh Halder arrested the victim from his own house when the victim was sleeping. It is to be mentioned that Mrs. Tapati Mondal, wife of Mr. Ujjal Mondal is the sister of the victim whose body was found in fully burned condition from a pile of jute sticks. Bangaon Police Station registered one case bearing Bangaon Police Station case number 1019/2019 dated 20.12.2019 under section 302/102 of Indian Penal Code and on suspicion arrested Mr. Bhim Mondal, Mr. Panchanan Sarkar and Mr. Prasenjit Pramanick.

On the said day i.e, on 20.12.2019 the victim was produced before the Chief Judicial Magistrate of Bangaon Court Bangaon police where on the request of the prosecution, Chief Judicial Magistrate granted 8 days police custody of the victim. During the time of police custody the victim was brutally tortured. Sub Inspector of Bangaon Police Station Mr. Paritosh Halder and another police person namely Mr. Prasenjit everyday took the victim one room in the first floor of the Bangaon Police Station and mercilessly tortured upon him to confess the guilt. They put chilli powder in the anus of the victim. He was beaten with sticks, kicks, slaps and fists. The victim was again produced in Bangaon court and the Magistrate directed to send the victim to the jail custody. He was transferred to Bangaon jail and after 6 days he was shifted to Dum Dum Central Correctional Home.

During the time when he was in Bangaon jail, he told to his family members that the police personnel of Bangaon police station tortured upon him and they put chilli powder in his anus. When he was transferred to Dum Dum Central Correctional Home, he told to his wife that he will not live longer as his stomach and anus hurt a lot. The family members requested to the jail authority for proper treatment of the victim but they did not care to listen to them.

On 28.01.2020 the victim was died in the Dum Dum Central Correctional Home. What is astonishing that the Correctional Home Authority did not inform the family members of the victim about the death of Mr. Bhim Mondal. On the same day mother of the victim Mrs. Santilata Mondal went to the Dum Dum central correctional Home to see her son. But she heard from there that her son was died. She had not been permitted to see the dead body of her son.

Dum Dum Central Correctional Home Authority asked to sign the victim's mother on some documents. Victim's mother was not agreed to do so but the jail authority pressurized upon her and told if she did not sign on those documents, they would not deliver the dead body of her son.

It is alleged that the inquest of the deceased was not done by any Judicial Magistrate. Here section 176(1A) of Code of Criminal Procedure clearly stipulates that in case of Custodial death Judicial Magistrate will inquest the body, here administration failed to follow the procedure.

On 13.08.2020 at about 1.45 pm from MASUM office we contacted with Dum Dum Police Station over telephone. The duty officer informed us that during the time of inquest of Mr. Bhim

Mondal one Sub Inspector of Dum Dum Police Station namely Mr. Swapan Roy was presented there. He provided us the contact number of Mr. Swapan Roy for more information. We tried to contact him several times but he is not picking up the phone.

Dum Dum Police started an Unnatural Death case bearing Dum Dum Police Station U/D case number 07/2020 dated 28.01.2020 in respect of the custodial death of Mr. Bhim Mondal.

On 29.01.2020 the post mortem examination of the deceased victim was done in the morgue of Sagar Dutta Hospital, Kolkata bearing PME number 43/2020 dated 29.01.2020.

Family of the victim is waiting for justice to punish the perpetrators who directly or indirectly involved in murdering an innocent man in their custody.

Attached Documents

Picture of deceased and his family members



Video link of statement of Ms. Labhli Mondal (Wife of deceased)

<https://youtu.be/YP03CDoL3y0>

Death Certificate issued from Dum Dum Central Jail

West Bengal Form No. 804

Dum Dum Central Correctional Home
Kolkata - 700 028

CERTIFICATE OF DEATH

Name: BHIM MONDAL S/D/W of late Triptalab Mondal

Age: 30 yrs

Sex: Male

Religion: Hinduism

Occupation: M.T.P.

Address: Dum Dum Central Correctional Home
Dum Dum Court, K-28,

Date of Admission in Jail Hospital: 28/01/20 Time: 7-50 am

Date of Death: 28/01/20 Time: 7-52 am


Disease or Cause of Death: To be ascertained after post mortem examination
Dum Dum Central Correctional Home Hospital.

Date: 28/01/20

Attested
[Signature]
Controller
Dum Dum Central Correctional Home

[Signature]
Signature 28/01/20
(Officer on duty)
Resident Medical Officer

Post Mortem Report



W. No. 100/2019/1172

POST - MORTEM REPORT
(F.R.B. Form No. 15-VIII (part 2A))
P.M.No. - 43/20

**COLLEGE OF MEDICINE & SAGORE DUTTA HOSPITAL
POLICE MORGUE**
Station:
Dated: - 29/01/2020

Ref. No. 100/2019/1172 (F.R.B. Form No. 15-VIII (part 2A))

Maid, stage & case	Where brought (Village & Taluk)	Name of constable to whom brought & name of relative accompanying	Date & hour of			Information furnished by police	By whom identified before the medical officer
			Discovery	Post-mortem	Examination		
BHEM MOMBALI 143 P.P. 2	Dharmadurga (Central) Police Station (DODHA) P.S. Dharmadurga	C71304 Jankar Prakash	28.01.2020 18:00 hrs	28.01.2020 18:00 hrs	28.01.2020 19:10 hrs	As per the Police Report sheet and documents provided by the Police, the deceased, on 17/01/2020, was referred from Bangalore, K.M. Dharmadurga Central Correctional Home No. 03, 1000 m medical ground. He was admitted to DCHH on 18.01.2020 at 07:30 hrs and expired there on 28.01.2020 at 12 hrs.	Shri. S. S. Srinivasan, Senior-Deputy Medical Officer, Correctional Home, Bangalore, K.M. Dharmadurga Central Correctional Home No. 03, 1000 m medical ground.

N.B. - Observed the state of all the organs & when no disease or injury is found write "Healthy"

1. Condition of subject - sex, stature etc.	2. Wounds - position, size, character.	3. Bruises - position, size and nature	4. Marks of ligatures or neck, distention etc.
<p>Post-mortem examination was done on the body of a medium built adult male subject. Length of the body - 5'2", WT - 58.2 kgs. Superficial marks were present all over the body (present in Collar Chamber / in between the hands). Eyes were closed, conjunctivae, pupils dilated, nasal fluid on both sides. TB of nose, oral cavity, lips, tongue and fingers nails were unremarkable. One distal mark with a peculiar design was present on the left arm. Trace of perforation staining was present on the back of the body except the pressure areas of contact pillow. Wearing apparel comprised of one coffee coloured full-sleeved jacket, one yellowish brown coloured half-sleeved T-shirt and one navy blue coloured trouser.</p> <p>Findings: No fresh or recent ante-mortem injury could be detected even on thorough dissection and careful examination by a magnifying hand lens.</p>			

1. Skull and Vertebral	2. Meninge	3. Brain & Spinal Cord - [The spinal canal need not be examined unless any indication of trauma or injury exists]
<p>Skull - Healthy Skull & Vertebral - Intact</p>	<p>Subdural haemorrhage (involving whole of the left cerebral hemisphere with early signs of organization) of clot around the periphery.</p>	<p>Brain - Hardening of grey and softening of white of the cerebral hemisphere with signs of cerebral oedema. WT of Brain - 1425 gms</p> <p>Spinal cord - Intact</p>

1. Lungs	2. Pleura	3. Larynx & Trachea	Right lung	Left lung	Pericardium	Heart	Vessels
Healthy	<p>Congested with presence of multiple petechial haemorrhages on visceral surfaces.</p>	<p>M.M. - Congested Hyoid, Thyroid and Cricoid - Intact</p>	<p>Both lungs were congested with evidences of consolidation of the lower lobes. WT - 110 gms (R), 85 gms (L)</p>		<p>Congested</p>	<p>Healthy WT - 280 gms</p>	<p>Healthy</p>

1. Stomach	2. Peritoneum	3. Mouth, Pharynx & Oesophagus	4. Stomach & its contents	5. Small intestine & its contents	6. Large intestine & its contents
Healthy	<p>Congested</p>	<p>Healthy</p>	<p>Contained 30 gms of bilious fluid. No antacid smell detected. Healthy Whole WT - 160 gms</p>	<p>M.M. Congested. Contained gas and faeces</p>	<p>Healthy</p>

7. Liver	8. Spleen	9. Kidneys	10. Bladder	11. Organs of generation, external & internal
<p>Congested and enlarged in size. WT - 140 gms</p>	<p>Healthy WT - 130 gms</p>	<p>Congested WT - 105 gms (R), 127 gms (L)</p>	<p>Healthy Empty</p>	<p>Healthy Prostate - Present</p>

1. Injury	2. Disease of defecatory	3. Fracture	4. Dislocation
None could be detected	None noted	None could be detected	None could be detected

Materials processed: (i) Viscera in natural solution of common salt with control, (ii) Blood without preservative (iii) Few scalp hairs, (iv) Finger nails, cuttings & scrapings, (v) Blood soaked in blotting paper with control, (vi) Wearing apparel - packed, labelled, signed, sealed and handed over to the executing Police Personnel for sending to the Forensic Science Laboratory, if considered necessary by the Investigating Officer.

N.B. - H to = Haversian membrane, R = Right, C.R.L = Left, WT = Weight, " = Inch, " = Inche

The autopsy procedure was videographed. The autopsy was finished at 16:30 hrs. The Video CD was packed, labelled, signed, sealed and handed over to the executing Police Personnel after completion of the Post-mortem examination.

<p>OPINION BY THE MEDICAL OFFICER AS TO THE CAUSE OF DEATH.</p> <p>N.B. - In all cases if wounds are depicted here in any instance of the wounds being homicidal, suicidal or otherwise.</p> <p>Death was due to the effects of Subdural Haemorrhage as noted above - ante-mortem in nature.</p> <p style="text-align: right;">Assistant Surgeon of Subram Bhasu 29/01/2020 DR. SUBRATA BISWAS Deputy Professor Dept. of Forensic Medicine & Toxicology College of Medicine & Sagore Dutta Hospital, Kamathali, Kolar-58</p>	<p>REMARKS BY CIVIL SURGEON.</p> <p>The autopsy was performed in my presence. I agree with the findings and opinions.</p> <p style="text-align: right;"><i>Parag Kumar Singh</i> DR. PARAG KUMAR SINGH Assistant Professor Dept. of Forensic Medicine & Toxicology, College of Medicine & Sagore Dutta Hospital, Kamathali, Kolar-58</p> <p>The autopsy was conducted under my direct guidance and supervision. I agree with the findings and opinions.</p> <p style="text-align: right;"><i>Parag Kumar Singh</i> 29/01/2020 DR. PARAG BARAN PAL Professor & Head Department of Forensic Medicine & Toxicology, College of Medicine & Sagore Dutta Hospital, Kamathali, Kolar- 58</p>
---	---

Cremation certificate

No. WB/2020/CC/2010

Bongaon Municipality
CREMATION / BURIAL CERTIFICATE

This is to certify that the following information has been taken from the Register of Burning Ghat/Burial ground which is kept in health department of Bongaon Municipality (North 24 Parganas, West Bengal)

Registration No : WB_CR_2020/200681347 Registration Date : 31-01-2020

This is to certify that **BHIM MONDAL**, Age 30 Years, Son/Wife/Daughter of **LT-TRIPTI PADA MONDAL**, Address **BONGAON SUB-ARRECFIONAL,HOME, NORTH 24PGS.**, Died at **C. M. S. D.H. POLICEMORGUE,KOL-58.**, due to **TO BE ASCERTAINED AFTER P.M. EXAMINATION** on **28-01-2020**

Copy of disposal order issued by

Doctor/M.O Name	DR.S. BISWAS	Registration	-
P.M.No.	43/20	DI	29-01-2020
U / D Case No.		DI	
P.S.	DUM DUM P.S.	DI	

and his / her dead body was Cremated / Buried at **BONGAON MUNICIPAL BURNING GHAT** on **31-01-2020**

Issuing Date : **05/03/2020**

Signature of Dealing Assistants   

Signature of Issuing Authority with date **05-03-20**

SUB-REGISTRAR (S.B.) and Death
BONGAON MUNICIPALITY
Bongaon, North 24 Parganas.

N.B. : Be it noted that the 'Death' Registration Certificate should be collected from the Local Competent Authority of the place of occurrence of the 'Death' immediately on receipt of this certificate as per Registration of Birth and Deaths Act, 1969

Complaint before Superintendent of Dum Dum central jail by deceased mother

Dated - 4.3.20.

To
The Suptt.
Dum Dum Central Correctional Home.

Dear Sir,

With due respect Bhim Mondal
S/o Late Tripada Mondal who is in
your jail custody but He is very
ill. He expire in Jail Hospital on
date - 28.1.20. So that I am praying
you kindly give his death certificate
and How he is death.

I Hope that you must give
my prayer and allowed to give the
death Certificate and How he was death

Yours faithfully
Francis Jay

माता
Mother of
Bhim Mondal