

SUPREME COURT OF INDIA

Murti Devi

Vs.

State of Delhi

(G Ray and G Pattanaik JJ.)

20.08.1997

ORDER

1. Heard Mr Sodhi, learned counsel appearing for the appellant and Mr Subba Rao, the learned counsel for the respondent-State of Delhi. This writ petition has been presented by the petitioner Murti Devi for appropriate compensation for the death of an undertrial prisoner Raj Kumar who while kept in judicial custody in Tihar Jail had been seriously assaulted inside the jail and on account of injuries suffered by him died after being admitted in a Delhi hospital. Initially, the jail authorities made an attempt to assert that the said undertrial prisoner Raj Kumar was a drug addict and presumably as a consequence of withdrawal symptoms had suffered some injuries and also on account of an old injury in kidney, he had died. Such case of the jail authorities had been demonstrated to be false by the post-mortem report indicating that there were no such withdrawal symptoms and the doctor who held post-mortem examination had noticed a number of injuries on the person of the deceased. It appears that later on the jail authorities came up with a case that the said undertrial prisoner was assaulted by some of the convicts in the jail for which a criminal case has been initiated against the offending convicts. It has also been established that prompt and appropriate action in rendering medical aid in a hospital was also not given to the said deceased. Whether the said undertrial prisoner had really been assaulted by the convicts or he was assaulted by the Jail Warden and his associates may be ultimately decided in the criminal case stated to be pending. We may only indicate that the pending criminal case should be conducted with utmost seriousness and should be completed as early as practicable. There is no manner of doubt that because of the gross negligence on the part of the jail authorities, the said Raj Kumar, an undertrial prisoner in Tihar Jail, was subjected to serious injuries inside the jail which ultimately caused his death. It has been stated by the petitioner, Murti Devi, the mother of the said deceased, that the said

Raj Kumar was the only bread-earner in the family and today she has become a helpless widow with three sons to be maintained. As it was the bounden duty of the jail authorities to protect the life of an undertrial prisoner lodged in the jail and as in the instant case such authorities had failed to ensure safety and security to the said unfortunate undertrial accused, we direct the respondent to pay a sum of Rs. 2,50,000 to the petitioner Murti Devi within a period of six weeks from today. Out of the said amount, rupees two lakhs should be kept in fixed deposit in the name of the said Murti Devi in a nationalised bank for a period of five years so that she can maintain herself and members of the family out of the interest accruing on the said fixed deposit. The balance sum of Rs. 50,000 should be handed over to the said Murti Devi within the period of six weeks from today against proper receipts. After the said period of five years the petitioner Murti Devi or her legal heirs and successors as the case may be will be free to utilise the said sum of rupees two lakhs according to their desire.

2. This writ petition stands disposed of accordingly.