

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cont. Case (Civil) No. 571 of 2025

1.Saida Khatoon, aged about 78 years, W/o Tufail Ahmed alias Saiyad Tufail.

2.Tufail Ahmed alias Saiyad Tufail aged about 60 years, s/o Saiyad Samim Ahmed.

3.Noman Ahmed s/o Tufail Ahmed alias Saiyad Tufail age about 28 years.

All 1 to 3 resident of house no. 171 Nawa Bazar, P.O. & P.S. Nawa Bazaar District Palamu Jharkhand.

...

Petitioner

Versus

1.Smt. Vandana Dadel, father's/husband's name not known to the petitioner, age not known Principal Secretary, Department of Home, Jail & Disaster Management, 2nd Floor, Project Bhawan, P.O.-Dhurwa, P.S. Jagarnathpur, Dhurwa, District Ranchi 834004 (Jharkhand)

2.Shri Anurag Gupta, S/o- Not Known, Aged about Not Known, D.G.P., Jharkhand, official Address-Police Headquarter, Dhurwa, P.O.-Dhurwa, P.S.-Jagannathpur, District-Ranchi, Jharkhand.

3. Reeshma Ramesan, Superintendent of Police, Palamu, Age not known, father and husband name not known, official address Medininagar, Sarvodaya Nagar, District Daltonganj, P.O & P.S- Daltonganj, Jharkhand

4. Chintu Kumar, officer In-charge Nawa Bazaar Police Station, age not known, father name not known, official address Nawa Bazaar Police Station, P.O & P.S Nawa Bazaar, District - Palamu, Jharkhand.

5. Sudhir Kumar alias Sudhir Singh, ASI Nawa Bazaar Police Station, age not known, father name not known, official address Nawa Bazaar Police Station, P.O & P.S Nawa Bazaar, District - Palamu, Jharkhand

6. Manoj Kumar Mandal, ASI Nawa Bazaar Police Station, age not known, father name not known, official address Nawa Bazaar Police Station, P.O & P.S Nawa Bazaar, District Palamu, Jharkhand

7. Nagendar Tiwari, ASI Nawa Bazaar Police Station, age not known, father name not known, official address Nawa Bazaar Police Station, P.O & P.S Nawa Bazaar, District Palamu, Jharkhand

8. Bipin Kumar, ASI Nawa Bazaar Police Station, age not known, father name not known, official address Nawa Bazaar Police Station, P.O & P.S Nawa Bazaar, District Palamu, Jharkhand

9. Prashant Kumar, officer incharge Chhatarpur Police Station, age not known, father name not known, official address Chhatarpur Police Station, P.O & P.S Chhatarpur, District - Palamu, Jharkhand

10. Manoj Kumar, officer-in-charge, Bariyatu Police Station, age not known, S/o- not known, Official address- Bariyatu Police Station, P.O. & P.S.- Bariyatu, District- Ranchi, Jharkhand.

11. Rajesh Ranjan, O/C Panki Police Station, age not known, S/o- Not known, Official Address- Panki Police Station, P.O. & P.S. Panki, District- Palamu, Jharkhand.

12. Bhagirath Karjee, Superintendent of Jail, Medininagar, Palamu, aged about not known, S/o- Not Known, Official Address-Daltonganj Central Jail, Medininagar, P.O. & P.S. Daltonganj, District-Palamu, Jharkhand-822101.

13. State of Jharkhand.

... **Contemnors/Opposite Parties**

**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY**

For the Petitioner : Mr. Shadab Eqbal, Advocate
Mr. Ayush Raj, Advocate

For the Opp. Parties : Mr. Rajiv Ranjan, Advocate General
Mr. Devesh Krishna, SC Mines III
Mr. Kumar Pawan, AC to SC Mines III

C.A.V. on 11.05.2026

Pronounced on 18/06/2026

Per Sujit Narayan Prasad, J:

Prayer:

1. The instant application has been filed for initiation of contempt proceeding against the contemnors-opposite parties as also for direction to initiate departmental proceeding

against the opposite parties for deliberate and intentional non-compliance of the directions passed by the Hon'ble Supreme Court of India in the case of ***D. K. Basu Vs. State of West Bengal*** reported in ***(1997) 1 SCC 416***.

Factual Aspect:

2. Brief facts of the case, as per the pleadings available on record, reads as under:

3. By way of filing the instant contempt petition, the petitioner raises serious concerns regarding the administration of the criminal justice system in the State of Jharkhand and victimization of citizens in violation of all constitutional safeguards.

4. The petitioner no. 01 is the mother of the deceased namely Mahfuz Ahmad who succumbed to death due to alleged custodial violence in the lockup of Nawa Bazar Police Station and Superintendent of Police residence, Palamu. Petitioner no. 02 is the father of the deceased and petitioner no. 3 is the brother of deceased.

5. It is the case of the petitioners that the incident commenced on 1st of March, 2025 when the deceased was at his Nursing Home namely, "*Sayed Ana Nursing Home*" which was a rented property from landlord Vishun Dev Oraon.

6. It is alleged that one A.S.I. Sudhir Kumar @ Sudhir Singh with Chintu Kumar at around 5:30 P.M. and other

police officers, as arrayed in the Cause Title of this petition, illegally and mercilessly dragged the deceased to the Police Station. When the landlord objected he was also dragged with the deceased.

7. It is stated that soon thereafter the petitioner no. 03 got information, from one Ashok Kumar Yadav a localized from where illegally the deceased was dragged to the police station, that his brother was dragged in the police Jeep and was taken to the Nawabazar Police Station by the officers of the Nawabazar Police Station. At around 8:00 P.M. the petitioners rushed to the Nawabazar Police Station and met the landlord namely Vishun Deb Oraon who informed that the contemnors have left him [Vishun Deb Oraon] but have brutally assaulted the deceased. Soon after that when the petitioners tried to meet the officials, it is alleged that one of the contemnors namely Manoj Kumar Mandal ASI misbehaved with the petitioners and threatened them to go back.

8. Further case has been made out that the petitioners saw screaming of the deceased at the time when the deceased was going through the custodial torture in the police lock-up. It is alleged that the petitioners and the landlord Vishun Deb Oraon have evidenced that the deceased was hanged upside down naked and the officials have crossed all limits of brutality by not leaving a single body part un-assaulted.

9. It is further alleged that after the custodial assault by the officials of Nawabazar Police Station in the night of 1st March, 2025, the next day i.e., on 2nd March, 2025, the officer-in-charge of Chattarpur Police Station came to Nawabazar Police Station with the other officials of the Chattarpur Police Station and they also joined hand with the Nawabazar Police Station and also accompanied Custodial torture and assaulted to the deceased. When the petitioners begged for release of deceased, they were abused and assaulted and were ousted by the officials.

10. It is further alleged that on the next day i.e., 3rd of March 2025 at around 09:00 P.M. the contemnors took the deceased to the residence of contemnors, Superintendent of Police, Palamu. These contemnor on the command of the Superintendent of Police first brutally assaulted the deceased then the S.P. Palamu herself first assaulted over the chest and then with wooden latthi assaulted the back and stamped in the private parts of the deceased, crushed it and crossed all limits by inserting petrol in the back side of private parts of the deceased.

11. Further statement has been made that when the deceased was transferred to RIMS Ranchi at the first interaction with the duty doctor in presence of officer in-charge Bariatu Police Station the deceased has uttered the

abovementioned cruelty. When the deceased was uttering these words his mother, father and the brother were present. Further allegation has been made that the officer-in-charge Bariyatu police station failed to discharge his duty and has not recorded the dying declaration of the deceased. In addition to it the officers of Nawa Bazaar Police Station, Satbarwa police Station and Chhatarpur Police Station were also present under the direction of the S.P. Palamu. It is stated that these people have managed the Bariyatu Police Station not to record statement of the deceased.

12. It has further been stated that when the deceased was illegally kept in lock-up by the Nawa Bazaar Police Station since 01.03.2025 the petitioner no. 1 move from door to door for justice but were unattained, thereafter has informed about the incident to the Chief Judicial Magistrate, Medininagar Palamu vide application dated 05.03.2025.

13. It is stated that when the condition of the deceased got worst and he was brutally injured by the contemnors in Nawabazar Police Station and S.P. residence Palamu on 06th of March, 2025 by keeping the deceased in illegal custody for five consecutive nights, just to save their own skin on the instruction of S.P. Palamu, the Officer-in-charge Rajesh Ranjan of Panki Police Station inserted the name of the

deceased and instituted a frivolous and manufactured F.I.R. vide panki P.S. Case No. 25/2025 at around 5:20 A.M.

14. It is further case of the petitioners that the deceased was brought before the Chief Judicial Magistrate, Palamu, at Daltonganj for getting remand for custody. It is stated that on perusal of order dated 06.03.2025 it is evident that just after Mafuj Ahmad within bracket a word 'injured' is mentioned, this is evident that before bringing the deceased before a judicial officer, the deceased was injured. It is further stated that it is evident from the order-sheet that the cause of injury has not been queried by the learned CJM Palamu, in addition to it the Fundamental Right of the accused ought to have been explained by the learned CJM which is a mandatory provision, but it has not been substantially complied, and the learned CJM, Palamu did not explain the fundamental right which the deceased had at that instant.

15. Further, it has been drawn attention that just after the typed portion when the accused person was remanded wherein and whereunder the learned CJM Palamu has signed, the order sheet is evident that just above the date is mentioned which is handwritten it is mentioned "Later on" the order sheet is drawn which is again handwritten and it is evident that the learned CJM has found that the deceased was injured.

16. On the aforesaid fact, the petitioners have posed a question that the order sheet shows "later on", when the deceased was remanded, after passing of what time the learned CJM found him injured when he was already remanded. And to whom the learned CJM asked question about the ill treatment at the hand of the escort party. In addition to that question has been raised that if the deceased was injured and apparently it was perceived by the learned CJM which was contrary to the medical fitness certificate, the learned CJM ought to have enquired which he did not, about the cause of injury. Therefore, question has been raised that if the deceased was so injured how did the police party get to obtain fitness certificate.

17. It has further been stated in the petition that on 06.03.2025 in the night at around 11:00 P.M.-11:55 P.M., call was received in the phone number of elder brother of the deceased namely Arman Ahmad in his mobile number. This was the call from the Central Jail, Medininagar wherein and whereunder it was informed that the deceased has become unconscious and is not in a position to do anything and is severely found to be injured and he has to be hospitalized. When the father of the deceased reached the central jail, Medininagar he got information that the deceased has been shifted to M.M.C.H. Palamu. But, when the family of the

deceased reached M.M.C.H. Palamu, firstly they were forced to sign by the police officials in letter number 907 dated 06.03.2025 and when the petitioners asked for a copy of it, they were abused, since one of the brother Arman Ahmad agitated to read it, he through his mobile scanned the letter wherefrom it is evident that when the deceased reached Central Jail he was injured so he was referred to M.M.C.H. Palamu first from and where he was referred to R.I.M.S., Ranchi. The deceased father has signed the document on 07.03.2025 at around 01:35 A.M.

18. It is further alleged that from M.M.C.H. Palamu, when the deceased reached R.I.M.S., Ranchi on 07.03.2025 at around 01:45 P.M., these petitioners reached R.I.M.S. before the deceased and see that the deceased was escorted by Chattarpur P.S. Officer-in-charge., who is one of the contemnor and other police officials of Nawabazar Police Station and Chattarpur Police Station and also Satbarwa police Station O/C.

19. The concerned doctor Dr. M. Mundu after looking into the injuries called Bariyatu Police Station and soon the officer-in-charge reached the hospital. The concerned doctor jotted down the words of the deceased which is there itself evident in the first patient's complaint about assault since 01.03.2025 and the mode of injury is "Alleged case of

Assault" therefore, submission has been made that it is an admitted fact that the deceased was under the illegal custody since 01.03.2025.

20. Further allegation has been made that the deceased was being getting admitted in R.I.M.S. and was referred from M.M.C.H. Palamu, vide registration number 250004413 on 04.03.2025 so the remand order dated 06.03.2025 is wholly bad in law.

21. Again, when he was referred from M.M.C.H Palamu to R.I.M.S Ranchi under Police custody on 04.03.2025, then how the police officials obtained fitness certificate of the deceased from M.M.C.H. Palamu on 06.03.2025 and upon this fitness certificate the deceased was remanded to Judicial Custody.

22. It has been stated that the answer to this is very apparent that from 01.03.2025 till the date of remand the deceased was under vicious condition done by the contemnor and just to clean their dirty hands they managed to get fitness certificate so that he may be remanded to Judicial Custody and they can save their own skin.

23. None of the medical prescription or diagnosis done to the deceased was intimated to the petitioners/ family members however on one of such circumstance brother of the deceased after agitation clicked and taken scanned copy from

his mobile phone of some prescriptions and found that the police officers who brought the deceased to R.I.M.S., Ranchi, namely Pravesh Kumar and Pravin Kumar Dubey were giving consent for diagnosis such as dialysis and putting the deceased in ventilator and on such occasion i.e., 09.03.2025/ 18.03.2025 Pravesh Kumar, Pravin Kumar Dubey has given consent for dialysis and it is evident from the prescription of 09.03.2025 because of injury in his private parts including his entire body his kidney stopped functioning.

24. Further there is a letter under the letter head of R.I.M.S., Ranchi wherein on 13.03.2025 at 10:00 A.M. the doctor has jotted some of the injuries and requested the S.R.O.D./ P.G.O.D. department of Orthopedic to examine the deceased, this also proves the injuries committed by the contemnors. The brother of the deceased was also astonished by knowing that without taking consent from them on 13th in the prescription the R.I.M.S. has shown him to be in Ventilation. It is further alleged that even on 13.03.2025 the letter written to Nephrological department is evident of the post trauma, consequences to the deceased.

25. On 13.03.2025 again a letter was written to the neuro surgical department of R.I.M.S. and the prescription shows that the deceased was in ventilation having acute kidney injury, even injuries in cerebral part of the brain. Again, a

letter of 13.03.2025 shows that the doctor has sought intervention of neuro surgeon.

26. Lastly, on 23.03.2025 at around 04:15 P.M. the brother petitioner of the deceased got a call that the deceased has died in R.I.M.S., Ranchi, he along with other petitioner and family members rushed to the hospital and saw that the deceased is no more.

27. It has been stated that even the death certificate was not given to the petitioners till date. The father of the deceased feeling himself to be grievance less, losing all hopes signed a document having no letter number and date wherein and whereunder under the letter head of Superintendent of Jail, Palamu, the body was handed over at around 01:50 P.M. 25.03.2025.

28. On the strength of aforesaid statement, allegation has been made that the entire incident was committed under the instruction and direction of S.P. Palamu, Reeshma Ramesan, who crossed all limits in misusing her position and power firstly by committing custodial crime and assault to the accused within four walls of lock-up and her own residence and secondly created a sense of terror in M.M. C.H. Palamu in obtaining false and manufactured fitness certificate to shift the liability to the Jail Superintendent, Medininagar.

29. On the aforesaid facts, the petitioners have filed the instant case seeking direction to initiate departmental proceedings against the contemnors/opp. parties for deliberate and intentional non-compliance of directions passed by the Hon'ble Supreme Court in the case of **D. K. Basu Vs. State of West Bengal** (supra).

30. After filing the contempt petition, the Opp. Parties were directed to file show cause.

31. Pursuant thereto, show cause has been filed denying the allegations leveled against the Opp. Parties.

32. It has been stated that on 10th March, 2025, the petitioner no. 2-the father of the deceased, submitted a written complaint to the Superintendent of Police, Palamau, Medininagar making allegations solely against Chintu Kumar, Officer-in-Charge, Nawabazar Police Station regarding alleged assault in custody and denial of access to his son.

33. Pursuant to such complaint, the Superintendent of Police vide District Order No. 798/2025 promptly initiated departmental inquiry and taking an immediate measure suspended the Officer-in-Charge, Nawanagar Police Station and pending enquiry issued a show cause notice to him.

34. It has been averred that the deceased was working as compounder in the village by profession and was in fact an active member of the banned militant organization, namely,

Jharkhand Tiritiya Sammelan Prastuti Committee (TSPC). He in the guise of compounder engaged himself in various organized crime viz. stealing property; violence; arms violations and other serious offence, as would be evident from Panki P.S. Case No. 25 of 2025.

35. From the mobile seized from the possession of the deceased during arrest the photographs of arms and leaflet of T.S.P.C were found. The active involvement of the deceased is evident from the confessional statement of Akhilesh Yadav @ Butan Manjhi @ Gautam Ji, who was arrested in connection with Manatu P.S. Case No. 38 of 2025.

36. It has been contended that the deceased was for the first time apprehended only during pre-dawn raid at about 2.30 a.m. on 06.03.2025 in village Porsam, pursuant to actionable intelligence concerning armed robbery the Panki P.S. Case No. 25 of 2025 registered at 5.20 a.m under Sections 317(5), 338, 336(3), 340(2), 318 (4) and 3 (5) BNS, 2023 and Sections 25(1 B) (a), 26 & 35 of the Arms Act; two country made pistols, one prohibited 7.65 mm pistol, live ammunition, a knife, four mobile phones and two stolen motorcycles were seized under an attested seizure list. Call detail records obtained from C-DAC conclusively establish that the deceased was freely using his own handset on 01st and 02nd March 2025 including three answered calls TSPC area

commander "Gautam Ji" between 11:12 a.m. and 11:25 a.m. on 02.03.2025 thus rendering any claim of police custody on those dates is impossible; a Tech Cell report (Memo No. 388 dated 30.03.2024) further traces 143 WhatsApp interactions between the deceased and the same extremist commander.

37. On 06.03.2025, the deceased was produced before the learned Chief Judicial Magistrate, Palamau, together with arrest memo, seizure list, forwarding letter and medical fitness certificate; the order sheet records that he raised no allegation of ill treatment and his family had been duly informed. The petitioners' own pleadings are internally inconsistent: while the petition asserts that the landlord was released on 01.03.2025, Complaint Petition No. 1192/2025 filed by petitioner no. 2 states he was released only on 03.03.2025. In light of these objective records, the allegations of clandestine arrest, custodial torture, or failure to notify relatives stand exposed as false, speculative and wholly unsupported, and are denied in toto.

38. It would be pertinent to mention herein that this Court while hearing the matter on 29th January, 2026, learned counsel for the petitioners referring to Annexure 5 to the petition, which is Bed Ticket issued by the RIMS, Ranchi, in which the referral made by the Medini Rai Medical College Hospital, Palamau, has been shown to be dated 04.03.2025

and the deceased was for the first time has been alleged to be seen by the doctor at RIMS on 07.03.2025 at 1.45 p.m, has submitted that the petitioner was taken into custody on 01.03.2025 and also assaulted on 01.03.2025 and kept in police custody and only after lapse of 24 hours the deceased was sent to the Central Jail, Medininagar at Palamau and from there he was decided to be referred for treatment on 04.03.2025 for which he was referred to RIMS for better treatment.

39. On the other hand, learned Advocate General appearing for the State has submitted by referring to the extract of the Admission Register of Medini Rai Medical College and Hospital, Palamau [MMCH] from 8.00 pm to 8 am wherein the deceased was shown to be in hospital on 06.03.2025 at 11.10 p.m. having his name figured at serial no. 34. So far referral being made on 04.03.2025, as referred in Annexure 5, is concerned, it has been submitted that it is nothing but an error committed by the concerned doctor since as per the Admission Register, the deceased was in the hospital on 06.03.2025 as per the admission register of MMCH, Palamau.

40. This Court, however, in order to have conclusive view of the alleged discrepancies as per the argument advanced on behalf of petitioners, directed the Medical Superintendent, Medini Rai Medical College Hospital, Palamau to appear in

person along with the original admission register in question on the next date of hearing for its perusal by the Court. The matter was directed to be listed on 16th February, 2026.

41. For ready reference, order dated 29th January, 2026 is quoted as under:

1. *The instant contempt petition has been filed for deliberate and intentional non-compliance of the directions passed by the Hon'ble Supreme Court in the case of **D.K. Basu Vs. state of West Bengal** reported in (1997) 1 SCC 416 in the matter of alleged custodial violence and torture leading to death of the deceased.*

2. *Heard learned counsel for the petitioners, learned Advocate General being assisted by Mr. Devesh Krishna, learned SC Mines-III for the State and Mr. Vikram Sinha, learned counsel for Opp. Party No. 5.*

3. *Show cause has been filed on behalf of Opp. Parties.*

4. ***Learned counsel for the petitioners has submitted by referring to Annexure 5 to the petition, which is Bed Ticket issued by the RIMS, Ranchi, in which the referral made by the Medini Rai Medical College Hospital, Palamau, has been shown to be dated 04.03.2025 and the deceased was for the first time has been alleged to be seen by the doctor at RIMS on 07.03.2025 at 1.45 p.m.***

5. *Learned counsel for the petitioners, therefore, has submitted that he was taken into custody on 01.03.2025 and also assaulted on 01.03.2025 and kept in police custody and only after lapse of 24 hours the deceased was sent to the Central Jail, Medininagar at Palamau and from there he was decided to be referred for treatment on 04.03.2025 for which he was referred to RIMS for better treatment.*

6. *Learned Advocate General appearing for the State has submitted by referring to the extract of the Admission Register of Medini Rai Medical College and Hospital, Palamau [MMCH] from 8.00 pm to 8 am wherein the deceased was shown to be*

in hospital on 06.03.2025 at 11.10 p.m. having his name figured at serial no. 34.

7. *It has been contended on behalf of the State that the fact about referral being made on 04.03.2025, as referred in Annexure 5, therefore, is nothing but an error committed by the concerned doctor since as per the Admission Register, the deceased was in the hospital on 06.03.2025 as per the admission register of MMCH, Palamau.*

8. *Learned counsel for the petitioners has pointed out the discrepancies by referring to serial number as referred in extract of the Admission Register, as available at page 210 wherein reference of registration number is not in seriatim rather it is like 250004402 against serial no. 31; 250004404 against serial no. 32, 250004412 against serial no. 33; 250004413 against serial no. 34; 250004417 against serial no. 35; 250004420 against serial no. 36 and so on.*

9. *Mr. Devesh Krishna, learned SC Mines-III, appearing for the State, who is assisting learned Advocate General, has submitted that he has not ascertained as to why there is gap of registration number, as has been shown in the said admission register.*

10. *This Court in order to have conclusive view of the alleged discrepancies as per the argument advanced on behalf of petitioners, needs to go through the original Admission Register.*

11. *In view thereof, let Medical Superintendent, Medini Rai Medical College Hospital, Palamau appear in person along with the original admission register in question on the next date of hearing for its perusal by the Court.*

12. *So far as the issue of involvement of respondent no. 5 is concerned, as alleged by the petitioners, ground has been taken on behalf of respondent no. 5 that on the alleged date he was not available in Palamu rather he has gone to Christian Medical College, Vellore for his treatment and to that effect document has been appended with the affidavit.*

13. *Necessary order on the aforesaid issue will be passed on the next date of hearing.*

List this case on 16th February, 2026.

42. On 16th February, 2026, the Medical Superintendent, Medini Rai Medical College Hospital, Palamau was present before the Court along with the Original Admission Register of Medini Rai Medical College Hospital, Palamau. After perusing the same, the same was returned with a direction to keep the scanned copy of Original Admission Register and the matter was posted on 10th March, 2026. For ready reference, order dated 16th February, 2026 is quoted as under:

“1. Reference may be made to the order dated 29.01.2026, in pursuant thereto, the Original Admission Register of Medini Rai Medical College Hospital, Palamau has been produced by Dr. Ajay Kumar, Medical Superintendent of the said hospital, who is present in the Court.

2. We have perused the Original Admission Register and handed over the same to the Medical Superintendent, Medini Rai Medical College Hospital, Palamau.

3. Let the scan copy of the extract of the Original Admission Register be kept on record.

4. In course of argument, certain documents upon which the reliance is being placed on behalf of the State are not on record.

5. Let the same be brought on record by way of affidavit on or before the next date of hearing.

6. List this matter on 10.03.2026.”

43. Thereafter, when then the matter was taken up on 8th May, 2026, a detailed order was passed on the basis of argument advanced by the parties as also on the basis of statements made by the officers present in the Court.

44. Learned State counsel pressed the supplementary affidavit sworn by the doctor namely, Dr. Vijay Kumar Singh during the court proceedings.

45. This Court on the basis of argument advanced by learned counsel for the petitioners put a question to Dr. Vijay Kumar Singh, at present holding the post of Deputy Superintendent, Medini Rai Medical College Hospital, Medininagar at Daltonganj regarding the issue of the medical fitness certificate dated 06.03.2025 01.05 pm of the accused Mahfuj Ahmed (deceased), as to when the medical fitness certificate has been given by the concerned doctor of the said hospital showing the accused (now deceased) medically fit for custody, then why in the medical fitness certificate of the same date and time, the advice regarding medicines and getting x-ray of the left arm have been mentioned?

46. In response, the doctor has stated in open Court, in presence of the learned State counsel Mr. Devesh Krishna, that the original of the medical fitness certificate which was initially issued by the concerned hospital on 06.03.2025 referring the time of 01:05 p.m. was actually not produced in original before him, rather only photocopy was produced.

47. This Court, again put a question to the doctor that why the advice was given on photocopy, in response thereto, he has stated that he was told by the investigating officer that

the original fitness certificate has been misplaced. He being the doctor thought it proper, without going into the issue of original /photocopy, to give advice considering the situation of the suffering of the accused (now deceased) as he had sustained the injury in the left arm. The doctor has further stated that the day on 06.03.2025, he was not at all concerned because he was not assigned with the duty, rather his concern was only to the extent when the investigating agency has contacted him to authenticate the subsequent addition of the advice on the fitness certificate. He had verified from the hospital record of the emergency register and attested the photocopy of the fitness certificate to be the genuine and having been issued by the hospital.

48. The issue of attestation has been brought on record by way of an affidavit filed by him. The paragraphs of the affidavit are quoted as under: -

“3. That with regard to the Medical Prescription dt. 6.03.2025 of Mahfuz Alam, it is submitted that:

i. Firstly, Police brought Mahfuz Ahmad at the hospital for his medical examination at around 1.00 P.M.

ii. Thereafter, Serial No. 11672 was recorded in Emergency Medical Record for Mahfuz Ahmad.

iii. After preliminary examination, Medical Certificate was issued by the duty doctor which was filed in the court.

iv. Thereafter, again in the evening, Mahfuz Ahmad was brought by the Police for further medical examination alongwith the photo-copy of Medical Certificate issued earlier.

v. Through the X-ray report of the Mahfuz Ahmad, it was found that there is fracture in the radius & ulna of the Lt.

Forearm which was thereafter, also mentioned in the photo copy of the medical prescription issued earlier.

vi. Thereafter, medicines were prescribed which was further mentioned in the photo copy of the prescription.

4. That it is most humbly submitted that on the Xerox copy of the aforesaid medical prescription, after verifying the same from the hospital records of Emergency Medical Register, same was attested finding it to be genuine having been duly issued by this hospital.”

49. This Court considering the specific assertion made by Dr. Vijay Kumar Singh, as per his statement made in paragraph 4 of his affidavit, as quoted above, has prima facie opined that so far that the original of the fitness certificate having heading as “Out Patient Record” which is available on the record of the learned court has no reference of “X-ray, (L) Forearm S/O # of both radius and ulna” and advice of medicines. Rather, the original document only suggests and reflects that the accused (now deceased) was found medically fit for custody.

50. This Court further come to the conclusion that the aforesaid aspect of fit for custody has been taken note by the learned Chief Judicial Magistrate as would be evident from the order dated 06.03.2025 and after being satisfied about the medical fitness of the accused (now deceased) the learned Chief Judicial Magistrate passed an order of remand and based upon that, the deceased was taken in the judicial custody. Further from the order-sheet it is evident that subsequent to passing of the order of remand on 06.03.2025,

again an order with 'later on' was drawn on the same day but this time the learned Chief Judicial Magistrate has passed an order for proper medical treatment of the accused (now deceased). But, this Court, after going through the order dated 06.03.2025 of its first part and thereafter, the order was passed later on, fails to understand that why and on what basis the learned Chief Judicial Magistrate has drawn the order by making reference of 'later on' without any motion said to be made either by the family member of the accused (now deceased) and/or the investigating officer.

51. For ready reference, order dated 8th May, 2026 is quoted as under:

11/08.05.2026

1. Mr. Devesh Krishna, learned SC (Mines)-III has presented counter-affidavit to the supplementary affidavit dated 17.03.2026 in the court.

2. Another supplementary affidavit sworn by the doctor namely, Dr. Vijay Kumar Singh has been presented by the opposite parties during the court proceedings.

3. Let both the aforesaid affidavits be accepted and kept on record.

4. Questions regarding issue of the medical fitness certificate dated 06.03.2025 01.05 pm of the accused Mahfuj Ahmed (deceased) have been put to Dr. Vijay Kumar Singh, at present holding the post of Deputy Superintendent, Medinirai Medical College Hospital, Medininagar at Daltonganj.

When medical fitness certificate has been given by the concerned doctor of the said hospital showing the accused (now deceased) medically fit for custody, then why in the medical fitness certificate of the same date and time, the

advice regarding medicines and getting x- ray of the left arm have been mentioned?

In response, he has stated in open Court, in presence of the learned State counsel Mr. Devesh Krishna, that the original of the medical fitness certificate which was initially issued by the concerned hospital on 06.03.2025 referring the time of 01:05 p.m. was actually not produced in original before him, rather only photocopy was produced. A question was put to the doctor that why the advice was given on photocopy?

In response he has stated that he was told by the investigating officer that the original fitness certificate has been misplaced. He being the doctor thought it proper, without going into the issue of original /photocopy, to give advice considering the situation of the suffering of the accused (now deceased) as he had sustained the injury in the left arm.

5. He has stated that the day on 06.03.2025, he was not at all concerned because he was not assigned with the duty, rather his concern was only to the extent when the investigating agency has contacted him to authenticate the subsequent addition of the advice on the fitness certificate. He had verified from the hospital record of the emergency register and attested the photocopy of the fitness certificate to be the genuine and having been issued by the hospital. The issue of attestation has been brought on record by way of an affidavit filed by him. The paragraphs of the affidavit are quoted as under: -

"3. That with regard to the Medical Prescription dt. 6.03.2025 of Mahfuz Alam, it is submitted that:

i. Firstly, Police brought Mahfuz Ahmad at the hospital for his medical examination at around 1.00 P.M. ii. Thereafter, Serial No. 11672 was recorded in Emergency Medical Record for Mahfuz Ahmad.

iii. After preliminary examination, Medical Certificate was issued by the duty doctor which was filed in the court. iv. Thereafter, again in the evening, Mahfuz Ahmad was brought by the Police for further medical examination alongwith the photo-copy of Medical Certificate issued earlier. v. Through the X-ray report of the Mahfuz Ahmad, it was found that there is fracture in the radius & ulna of the Lt. Forearm which was

thereafter, also mentioned in the photo copy of the medical prescription issued earlier.

vi. Thereafter, medicines were prescribed which was further mentioned in the photo copy of the prescription.

4. That it is most humbly submitted that on the Xerox copy of the aforesaid medical prescription, after verifying the same from the hospital records of Emergency Medical Register, same was attested finding it to be genuine having been duly issued by this hospital."

6. In view of the specific assertion made by Dr. Vijay Kumar Singh, as per his statement made in paragraph 4 of his affidavit, this court has come to the view so far that the original of the fitness certificate having heading as "Out Patient Record" which is available on the record of the learned court has no reference of "X-ray, (L) Forearm S/O # of both radius and ulna" and advice of medicines. Rather, the original document only suggests and reflects that the accused (now deceased) was found medically fit for custody. The said document is embossed as under: -

7. The aforesaid aspect of fit for custody has been taken note by the learned Chief Judicial Magistrate as would be evident from the order dated 06.03.2025 and after being satisfied about the medical fitness of the accused (now deceased) the learned Chief Judicial Magistrate passed an order of remand and based upon that, the deceased was taken in the judicial custody. Further it appears from the order-sheet that subsequent to passing of the order of remand on 06.03.2025, again an order with 'later on' was drawn on the same day but this time the learned Chief Judicial Magistrate has passed an order for proper medical treatment of the accused (now deceased).

8. This Court, after going through the order dated 06.03.2025 of its first part and thereafter, the order was passed later on, fails to understand that why and on what basis the learned Chief Judicial Magistrate has drawn the order by making reference of 'later on' without any motion said to be made either by the family member of the accused (now deceased) and/or the investigating officer. The question is that how the

learned Chief Judicial Magistrate came to know about the suffering of the accused (now deceased) is not clear from the order dated 06.03.2025, if the entire order is gone through in entirety, the first part and the 'later on' part. Further, the medical fitness certificate with the heading "out patient record" of the same date and time containing further advice of medicine and X ray also is not available in the records as received from the court. The same has been filed along with the counter affidavit which is embossed as under: -

9. Thus, the subsequent advice said to be made by the doctor regarding X ray and medicines on the fitness certificate was never been placed before the learned Chief Judicial Magistrate. Then, on what basis the order was passed later on, is still a mystery.

10. The attested copy of the aforesaid documents has been filed by the aforesaid doctor through aforesaid affidavit which is also embossed as under: -

11. There is no difficulty in passing an order after the order having been signed by the learned Chief Judicial Magistrate on the same day, but the same can only be passed by the court of law, if any motion is being made depending upon the urgency and the subjective satisfaction based on material placed before the court, but in both the situations, it must be referred to in the order as to what warranted the court of law to pass any order 'later on' after the earlier order is already signed. There is absolute gap in the first part and the second part of the order dated 06.03.2025, 2nd part has been passed by referring 'later on'.

12. This Court has posed a question to Mr. Devesh Krishna, learned SC (Mines)-III as to where is the original document which contains the original advice of medicine and reference of "X-ray, (L) Forearm S/O # of both radius and ulna" has been made. He has submitted that he is not having the same.

The learned counsel is directed to procure the same and produce it in the court. Let the name of the concerned doctor, who had made the advice of medicine and mentioned "X-ray, (L) Forearm S/O # of both radius and ulna" on photocopy of aforesaid fitness certificate titled "out patient record" be

disclosed and the said doctor be also present on the next date of hearing.

13. This Court time and again has posed a question to the learned State counsel that where is the originals of all the documents including the discharge ticket from Medinirai Medical College Hospital, Medininagar at Daltonganj referring to RIMS, Ranchi. The reason is that the photocopy is available in the record received from the court while as per the provision of Section 53 of Bharatiya Nagarik Suraksha Sanhita (Section 54 of Cr.P.C.) it is a bounded duty of the investigating agency to keep the original record intact. The discharge ticket had multiple cutting/overwriting and is embossed as under: -

14. A photocopy of the document relating to admission of the accused in RIMS has been placed on record by the petitioner as annexure -5 which reveals that the patient was admitted upon reference dated 04.03.2025 and was examined on 07.03.2025 at 1.45 pm and there appears to be mismatch when compared with the discharge ticket embossed above. The annexure- 5 of the writ petition is embossed as under: -

15. Some explanation with regards to the date mentioned on the document from RIMS has been given as recorded in the earlier order passed by this court. However, in view of the discharge ticket whose photocopy has been found in the record of the learned court, the mismatch is required to be explained further.

16. Let the original of the aforesaid documents and all connected documents be placed on the next date of hearing.

17. Let the Medical Superintendent, Deputy Medical Superintendent and the concerned duty doctor of Medinirai Medical College Hospital, Medininagar at Daltonganj remain personally present before this Court on the next date of hearing along with the duty register.

18. Post this case on 11th May, 2026 to be taken up as the 2nd case at 10:30 a.m.

52. Accordingly, the matter was heard on 11th May, 2026 and reserved for order/judgment. For ready reference same is being quoted as under:

“12/11.05.2026

1. Record Register of Medinirai Medical College Hospital, Palamu and Referred out Register of Medinirai Medical College Hospital, Palamu in original have been handed over before the Court. Let the same be taken on record which will be returned after pronouncement of final judgment.

2. Dr. Vijay Kumar Singh, Dy. Superintendent, MMCH has appeared personally and in course of argument, when this Court has shown the aforesaid registers to him, Dr. Vijay Kumar Singh has accepted the fact that there might be some error in entry in the record register.

3. Arguments concluded.

4. Judgment is reserved.”

Submission of the learned Counsel for the Petitioner:

53. Learned counsel for the petitioners has submitted that the deceased namely Mahfuz Ahmad has succumbed to death due to custodial violence including torture, Brutal Assault and barbarism in the lockup of Nawa Bazar Police Station and due to atrocities committed by the Superintendent of Police residence, Palamu.

54. Submission has been made that the deceased was running Nursing Home in the name and style of "Sayed Ana Nursing Home" in a rented property of one Vishun Dev Oraon and from that nursing home on 1st March, 2025, the police personnel, illegally and mercilessly dragged the deceased to

the Police Station, to which, the landlord objected but he was also dragged with the deceased.

55. Submission has been made that the petitioners saw screaming of the deceased at the time when he was going through custodial torture in the lock-up but the petitioners were helpless. Further submission has been made that the petitioners and the landlord Vishun Deb Oraon have evidenced that the deceased was hanged upside down naked and the officials have crossed all limits of brutality by not leaving a single body part un-assaulted.

56. It is further submitted that after the custodial assault by the officials of Nawabazar Police Station in the night of 1st March, 2025, the next day i.e., 2nd of March, 2025, the officer-in-charge of Chattarpur Police Station came to Nawabazar Police Station with the other officials of the Chattarpur Police Station and they also joined hand with the Nawabazar Police Station and also accompanied Custodial torture and assault to the deceased. When the petitioners begged for release of deceased, they were abused and assaulted and were ousted by the officials.

57. It is alleged that on the next day i.e., 3rd of March 2025 at around 09:00 P.M. the police personnel, the contemnors herein, took the deceased to the residence of contemnors Superintendent of Police, Palamu, where on the command of

the Superintendent of Police first brutally assaulted the deceased then the S.P. Palamu herself first assaulted over the chest and then with wooden lathi assaulted the back and stamped the private parts of the deceased, crushed it and crossed all limits by inserting petrol in the back side of private parts of the deceased.

58. Learned counsel for the petitioners has further submitted that for the above torture, when the condition of the deceased became serious, he was admitted to first medininagar hospital wherefrom he was referred to RIMS, Ranchi, where at the first interaction with the duty doctor in presence of officer in-charge Bariatu Police Station the deceased has uttered the abovementioned cruelty and most heinous crime attend by him. When the deceased was uttering these words his mother, father and the brother petitioner, was present.

59. Further submission has been made that the petitioners even informed about the incident to the Chief Judicial Magistrate, Medininagar Palamu vide application dated 05.03.2025 but no action was taken.

60. Further, when the deceased was brought before the Chief Judicial Magistrate, Palamu, at Daltonganj for getting remand for custody, the same was taken note in the order-sheet, as would be evident from order dated 06.03.2025

wherein just after Mafuj Ahmad within bracket a word 'injured' is mentioned. But from the order-sheet, it is evident that the cause of injury has not been queried by the learned CJM Palamu, in addition to it the Fundamental Right of the accused ought to have been explained by the learned CJM which is a mandatory provision, but it has not been substantially complied, and the Ld. CJM Palamu did not explain the fundamental right which the deceased had at that instant.

61. Further attention has been drawn that just after the typed portion when the accused person was remanded wherein and whereunder the learned CJM Palamu Sri Ananda Singh has signed, the order sheet is evident that just above the date is mentioned which is handwritten it is mentioned "Later on" the order sheet is drawn which is again handwritten and it is evident that the learned CJM has found that the deceased was injured.

62. On the backdrop of aforesaid fact, an issue has been raised that the order sheet shows "later on", when the deceased was remanded, after passing of what time the learned CJM found him injured when he was already remanded. And to whom the learned CJM asked question about the ill treatment at the hand of the escort party. In addition to that if the deceased was injured and apparently it

was perceived by the learned CJM which was contrary to the medical fitness certificate, the learned CJM ought to have enquired which he did not, about the cause of injury.

63. Therefore, question has been raised that if the deceased was so injured how did the police party got to obtained fitness certificate.

64. It has further been submitted that on 06.03.2025 in the night at around 11:00 P.M.-11:55 P.M. call was received by elder brother of the deceased from the Central Jail, Medininagar whereby it was informed that the deceased has become unconscious and is not in a position to do anything and is severely found to be injured and he has to be hospitalized. Upon which, when the father of the deceased reached the central jail, Medininagar he got information that the deceased has been shifted to M.M.C.H. Palamu, and when the family of the deceased reached M.M.C.H. Palamu, firstly they were forced to sign by the police officials in letter number 907 dated 06.03.2025 and was asked that the deceased has been referred to R.I.M.S., Ranchi.

65. Pointing out the illegality, submission has been made that when the petitioners reached RIMS, they found that the that the deceased was escorted by Officer-in-charge, Chattarpur P.S. who is one of the contemnor and other police

officials of Nawabazar Police Station and Chattarpur Police Station and also Officer-in-charge, Satbarwa police Station.

66. The concerned doctor jotted down the words of the deceased wherefrom it is evident that the patient/deceased was assaulted since 01.03.2025 and the mode of injury is "Alleged case of Assault" therefore, submission has been made that it is an admitted fact that the deceased was under the illegal custody of Barbarian Contemnor since 01.03.2025.

67. Learned counsel for the petitioner has emphatically submitted that when the deceased was referred from M.M.C.H Palamu to R.I.M.S Ranchi under Police custody on 04.03.2025, then how the police officials obtained fitness certificate of the deceased from M.M.C.H. Palamu on 06.03.2025 and upon this fitness certificate the deceased was remanded to Judicial Custody.

68. It has been submitted though none of the medical prescription or diagnosis done to the deceased was intimated to the petitioners/ family members however on one of such circumstance brother of the deceased after agitation clicked and taken scanned copy of the same from his mobile phone, wherefrom it is evident that because of injury in his private parts including his entire body his kidney stopped functioning.

69. It has been submitted that the doctor of the R.I.M.S. was also managed by the top police officers/ contemnors who are trying to prove the motorbike accident in the custodial crime as prescription dated 13.03.2025 which is contrary to the records.

70. It is submitted that from the prescriptions it is evident that because of the severe injury, different departments of the RIMS were consulted and the deceased was put to ventilator but the police in connivance with the doctor has given it a colour of motorbike accident.

71. Learned counsel for the petitioners has submitted that photographs of the deceased, which has been annexed with the petition in sealed cover, itself reveals the entire story of barbarism and torture meted out to the deceased and it is evident that his entire body was subjected to barbarian attack by the contemnors who have crossed all limits and not a single body part was left scar less. The deceased private parts were stamped and crushed; petrol was inserted in the back of the private parts of the deceased.

72. Learned counsel for the petitioners on the strength of aforesaid submission has submitted that it is a fit case to give direction to initiate departmental proceedings against the contemnors/opp. parties for deliberate and intentional non-compliance of directions passed by the Hon'ble Supreme

Court in the case of ***D. K. Basu Vs. State of West Bengal*** (supra), and they are liable to be punished for contempt of court.

Submission of the learned counsel for the respondent:

73. Learned counsel for the Opp. Parties have denied the allegations leveled by the petitioners and submitted that the deceased was working in the guise of compounder in the village by profession but in fact was an active member of the banned militant organization, namely, Jharkhand Tiritiya Sammelan Prastuti Committee (TSPC). He engaged himself in various organized crime viz. stealing property; violence; arms violations and other serious offence, as would be evident from Panki P.S. Case No. 25 of 2025.

74. It has been denied that the deceased was lifted on 1st March, rather, submission has been made that the deceased was for the first time apprehended only during pre-dawn raid at about 2.30 a.m. on 06.03.2025 in village Porsam, pursuant to actionable intelligence concerning armed robbery the Panki P.S. Case No. 25 of 2025 registered at 5.20 a.m. under Sections 317(5), 338, 336(3), 340(2), 318 (4) and 3 (5) BNS, 2023 and Sections 25(1 B) (a), 26 & 35 of the Arms Act; and two country made pistols, one prohibited 7.65 mm pistol, live ammunition, a knife, four mobile phones and two stolen motorcycles were seized under an attested seizure list.

75. Further submission has been made that the Call detail records obtained from C-DAC conclusively establish that the deceased was freely using his own handset on 01st and 02nd March 2025 including three answered calls TSPC area commander "Gautam Ji" between 11:12 a.m. and 11:25 a.m. on 02.03.2025 thus rendering any claim of police custody on those dates is impossible; a Tech Cell report (Memo No. 388 dated 30.03.2024) further traces 143 WhatsApp interactions between the deceased and the same extremist commander.

76. Submission has been made that on 06.03.2025, the deceased was produced before the learned Chief Judicial Magistrate, Palamau, together with arrest memo, seizure list, forwarding letter and medical fitness certificate; the order sheet records that he raised no allegation of ill treatment and for that his family had been duly informed.

77. It has been stated that the petitioner no. 2-the father of the deceased, submitted a written complaint to the Superintendent of Police, Palamau, Medininagar making allegations solely against Chintu Kumar, Officer-in-Charge, Nawabazar Police Station regarding alleged assault in custody and denial of access to his son. Pursuant to such complaint, the Superintendent of Police vide District Order No. 798/2025 promptly initiated departmental inquiry and taking an immediate measure suspended the Officer-in-Charge,

Nawanagar Police Station and pending enquiry issued a show cause notice to him.

78. So far injury sustained by the deceased is concerned, submission has been made in the FIR of Panki P.S. Case No. 25 of 2025 itself it is stated that the injury is from falling down from the motorcycle while trying to flee away from the police, which facts gets corroborated by the medical evidence.

79. It has been submitted that remand order of 06.03.2025 itself shows that the learned CJM has found the accused medically fit. However, in the late hours of 06.03.2025, when the Medical Officer, Central Jail, Medininagar found the accused/deceased unwell, as a precaution referred him to Medinirai Medical College & Hospital, Palama wherefrom he was transferred to RIMS for proper treatment. In RIMS, all sorts of treatment were done but he could not survive due to the accident on motorbike.

80. So far allegation of the petitioners that the body of the deceased was kept by the Police even for two days after post mortem, submission has been made that as per institutional protocol the body was kept in cold storage up-to 72 hours before handing over to relatives of the deceased. Following that protocol only the body was given after that period.

81. In the backdrop of aforesaid fact submission has been made that it is not a case of custodial death or death due to

torture meted out by the police personnel rather, due to road accident while fleeing from the police the accused/petitioner got injury, which aggravated resulting into death.

82. So far as the photographs shown by the petitioners are concerned that are taken after the Post Mortem and in the postmortem as per medical protocol, there is external examination; internal examination of organs and thereafter their sampling and laboratory testing, therefore, the injuries which are shown are not because of any torture rather they are the scar of postmortem and even in post mortem there is no whisper of reason of death due to torture as alleged by the petitioner.

83. Submission has been made that admittedly the deceased was a person of criminal history and the allegation has been leveled against not only against the police personnels but also against the C.J.M. and the doctors only to frustrate the morale of the police.

Analysis

84. Heard learned counsel for the parties.

85. The instant contempt petition has been filed for non-compliance of the directions passed by the Hon'ble Supreme Court in the case of **D.K. Basu Vs. state of West Bengal** (supra) in the matter of alleged custodial violence and torture leading to death of the deceased.

86. Since the instant petition has been instituted alleging non-compliance with the directions issued by the Hon'ble Supreme Court in ***D.K. Basu v. State of West Bengal (supra)***, it becomes apposite to advert to the guidelines delineated therein. The Hon'ble Apex Court, in that seminal pronouncement, laid down exhaustive safeguards against police excesses and custodial violence, recognising that such violations strike at the very root of the rule of law and the guarantee of life and liberty under Article 21 of the Constitution. The Court mandated strict adherence to procedural safeguards in cases of arrest and detention, thereby casting a solemn duty upon the State machinery to ensure transparency, accountability, and humane treatment of persons in custody.

87. The Hon'ble Apex Court has categorically observed that failure to comply with the guidelines so delineated shall entail serious consequences. The erring official, apart from being rendered liable to departmental action, would also expose himself to punishment for contempt of court. In such eventuality, proceedings for contempt may be instituted before any High Court of the country having territorial jurisdiction over the matter, thereby ensuring that the majesty of law and the authority of judicial directions are

duly upheld, for ready reference the relevant paragraphs of the aforesaid judgment are being quoted as under:

“35. We, therefore, consider it appropriate to issue the following requirements to be followed in all cases of arrest or detention till legal provisions are made in that behalf as preventive measures:

(1) The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.

(2) That the police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may either be a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be countersigned by the arrestee and shall contain the time and date of arrest.

(3) A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.

(4) The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organisation in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.

(5) The person arrested must be made aware of this right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.

(6) An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the

name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is.

(7) The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any present on his/her body, must be recorded at that time. The "Inspection Memo" must be signed both by the arrestee and the police officer effecting the arrest and its copy provided to the arrestee.

(8) The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the State or Union Territory concerned. Director, Health Services should prepare such a panel for all tehsils and districts as well.

(9) Copies of all the documents including the memo of arrest, referred to above, should be sent to the Illaqa Magistrate for his record.

(10) The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.

(11) A police control room should be provided at all district and State headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on a conspicuous notice board.

36. Failure to comply with the requirements hereinabove mentioned shall apart from rendering the official concerned liable for departmental action, also render him liable to be punished for contempt of court and the proceedings for contempt of court may be instituted in any High Court of the country, having territorial jurisdiction over the matter.

88. There is no dispute as to the legal proposition laid down by the Hon'ble Apex Court in **D.K. Basu v. State of West**

Bengal (supra). However, it is to be noted that in the event of violation of any of the guidelines stipulated therein, as referred in the judgment quoted above, the High Court is vested with the authority to initiate contempt proceedings against the erring officials.

89. Submission has been advanced on behalf of petitioners that it is a case of custodial death and in order to establish the brutal assault by the police personnel while the deceased was in their custody the reliance has been placed upon various documents particularly Annexure 5 to the petition which is Bed Ticket issued by the RIMS, Ranchi, in which the referral made by the Medini Rai Medical College Hospital, Palamau, has been shown to be dated 04.03.2025 and the deceased was for the first time has been alleged to be seen by the doctor at RIMS on 07.03.2025 at 1.45 p.m.

90. However, in rebuttal it has been contended by the respondent/State that the fact about referral being made on 04.03.2025, as referred in Annexure 5, is nothing but an error committed by the concerned doctor since as per the Admission Register, the deceased was in the hospital on 06.03.2025 as per the admission register of MMCH, Palamau.

91. It has further been submitted by the petitioners that when medical fitness certificate has been given by the concerned doctor of the said hospital showing the accused

(now deceased) medically fit for custody, then why in the medical fitness certificate of the same date and time, the advice regarding medicines and getting X-ray of the left arm have been mentioned.

92. It has further been submitted that the aforesaid aspect of fit for custody has been taken note by the learned Chief Judicial Magistrate while passing the order of remand of deceased dated 06.03.2025 and after being satisfied about the medical fitness of the accused (now deceased) the learned Chief Judicial Magistrate passed an order of remand but it would be evident from the order-sheet that subsequent to passing of the order of remand on 06.03.2025, again an order with 'later on' was drawn on the same day but this time the learned Chief Judicial Magistrate has passed an order for proper medical treatment of the accused (now deceased).

93. While on the other hand, the learned State counsel relying upon the various documents particularly to the extract of the Admission Register of Medini Rai Medical College and Hospital, Palamau [MMCH] from 8.00 pm to 8 am wherein the deceased was shown to be in hospital on 06.03.2025 at 11.10 p.m., has disputed the contention of the petitioners and have claimed that it is not a case of custodial death or death due to torture meted out by the police personnel rather, due to road accident while fleeing from the

police the accused/deceased got injury, which aggravated resulting into death.

94. Before initiating contempt proceedings, this Court must arrive at a concrete conclusion as to whether any error has in fact been committed by a functionary of the State, amounting to violation of the law laid down by the Hon'ble Apex Court in ***D.K. Basu v. State of West Bengal (supra)***.

95. Thus, in the backdrop of the aforesaid disputed factual aspects and the rival assertions advanced by the parties, this Court is of the considered view that an inquiry is warranted.

96. At this Juncture, it would be appropriate to refer the very recent judgment rendered by the Co-ordinate Division Bench of this Court led by the Hon'ble the Chief Justice in the case of **Md. Mumtaz Ansari Vs. state of Jharkhand and Ors.(W.P. (PIL) No. 1218 of 2022)** wherein while considering the issue of custodial death has observed that in a civilised society governed by the Rule of Law, custodial violence is an affront to the very essence of justice. It has further been observed that in the case of custodial death an inquiry under S. 176(1-A) of the Cr.P.C. or S. 196(2) of the BNSS is required to be conducted by a Judicial Magistrate in accordance with the statutory mandate, and any inquiry conducted by an Executive Magistrate shall not operate as a substitute for such judicial inquiry.

97. The Hon'ble Division Bench, while duly considering the aforesaid principle, proceeded to issue the following directions upon the State:

63. Accordingly, we dispose of this petition by issuing the following directions:

a) It is declared that an inquiry under S. 176(1-A) of the Cr.P.C. or S. 196(2) of the BNSS is required to be conducted by a Judicial Magistrate in accordance with the statutory mandate, and any inquiry conducted by an Executive Magistrate shall not operate as a substitute for such judicial inquiry.

b) The Principal District Judge of the concerned district and the Principal Secretary, Department of Home, Prison & Disaster Management, are directed to enquire into and submit a compliance report before this Court within six months of the date of this judgment, explaining the failure to have at least 262 cases of custodial deaths enquired into by the judicial magistrates, as required by the statutory mandate, and instead to have them enquired into only by the Executive Magistrates; to identify the specific officers responsible for such lapses; and to show cause why this Court should not recommend the initiation of departmental inquiries against the said officers.

c) The Principal Secretary, Department of Home, Prison & Disaster Management, shall, within two months from the date of this judgment, prepare and circulate to all Principal District & Sessions Judges (including the Judicial Commissioner, Ranchi) a district-wise list of all custodial death cases from the year 2018 onwards in which inquiries were conducted by Executive Magistrates, including the 262 cases disclosed in the State's affidavit, along with copies of all existing records and reports.

d) Within 15 days of the receipt of such records, the concerned Principal District & Sessions Judge (including the Judicial Commissioner, Ranchi) shall nominate a Judicial Magistrate for conducting a de-novo inquiry under S. 176(1-A) of the Cr.P.C. or Section 196(2) of the BNSS, as applicable. Such inquiries shall, as far as practicable, be completed within six months from the date of nomination.

e) Upon conclusion of the inquiry, the report shall be forwarded to the NHRC and the Jharkhand State Human Rights Commission. This report shall be accompanied by a covering letter from the concerned District Magistrate or Superintendent of Police, explicitly clarifying that the judicial inquiry has been conducted to fulfil the statutory requirement under Section 176(1-A) Cr.P.C./Section 196(2) BNSS in place of the earlier executive inquiry.

f) All Principal District & Sessions Judges (including the Judicial Commissioner, Ranchi) shall submit a consolidated compliance report regarding these de-novo inquiries before this Court within eight (08) months from the date of this judgment.

g) The Chief Secretary and the Principal Secretary, Department of Home, Prison & Disaster Management, shall, within thirty (30) days from the date of this judgment, issue a circular to all District Magistrates and Superintendents of Police in the State, clarifying that jurisdiction under S. 176(1-A) of the Cr.P.C. or S. 196(2) of the BNSS vests solely and exclusively with Judicial Magistrates, and any future deviation shall be treated as a willful violation of statutory law and the conduct rules.

h) The above-referred circular must also apprise the concerned officials that in every case of custodial death, disappearance, or custodial rape, the District Magistrate and/or Superintendent of Police shall intimate the NHRC, the State Human Rights Commission, and the concerned Principal District Judge (P.D.J.) within twenty-four hours of the occurrence.

i) Upon receipt of such intimation, the concerned P.D.J. (including the Judicial Commissioner, Ranchi), must nominate a Judicial Magistrate within forty-eight hours of the intimation to conduct the inquiry. The inquiry shall ordinarily be concluded within two months. In cases of delay, the specific reasons shall be recorded by the concerned Judicial Magistrate.

j) All relevant records, including post-mortem reports, treatment records, CCTV footage, prisoner history, and allied materials, shall be supplied to the nominated Judicial Magistrate by the concerned Jail Superintendent or the Officer-in-Charge of the Police Station within seven days of the receipt of a requisition.

k) The Director, Jharkhand Judicial Academy, shall, within four

months from the date of this judgment, prepare and circulate a Standard Operating Procedure (SOP) and a model format for inquiry reports to all Judicial Officers in the State of Jharkhand. The SOP shall ensure the incorporation of NHRC guidelines and relevant judicial precedents to foster a uniform approach to judicial inquiries. l) The State Government, in coordination with the Jharkhand Judicial Academy, shall consider organising an interdisciplinary conference/seminar involving Judicial Officers, District Magistrates, Superintendents of Police, Jail Authorities, and Medical Officers to ensure institutional synchronisation and effective compliance with the statutory mandate governing custodial death inquiries.

m) In cases where the inquiry report discloses unnatural death, custodial violence, or negligence, the concerned P.D.J. (including the Judicial Commissioner, Ranchi), as Chairperson of the District Victim Compensation Committee, shall suo motu place the matter before the Committee for consideration of compensation under the applicable Victim Compensation Scheme, preferably within thirty days of the submission of the inquiry report.

98. This Court is of the view that in the present case also the judicial enquiry is required as per the judgment rendered by Co-ordinate Bench of this Court in **Md. Mumtaz Ansari Vs. state of Jharkhand and Ors.(supra)**, relying upon the judgment passed by the Hon'ble Apex Court in the case of **D. K. Basu Vs. State of West Bengal (supra)**.

99. Accordingly, the Principal District Judge, Palamu at Daltonganj is hereby directed to commence the judicial inquiry within 15 days of the receipt of this order by nominating a Judicial Magistrate for conducting inquiry under Section 196(2) of the BNSS, and submit a report before this Court within three months from the date of

commencement of such enquiry.

100. List this case after receipt of the said enquiry report.

101. Upon receipt of aforesaid enquiry report, the further necessary order will be passed.

102. Let a copy of this order be forwarded forthwith to the Principal District and Sessions Judges of concerned district.

103. The Original Register(s), as called for by this Court vide order dated 8th May, 2026, be handed over to the learned State Counsel for its onward transmission to the concerned.

(Sujit Narayan Prasad, J.)

(Anubha Rawat Choudhary, J.)

(Anubha Rawat Choudhary, J.)

18/06/2026

A.F.R.

Alankar/-