

(2010) 12 CAL CK 0088

Calcutta High Court

Case No: Writ Petition No. 23764 (W) of 2010

Kalachand Murmu

APPELLANT

Vs

The State of West Bengal and
Others

RESPONDENT

Date of Decision: Dec. 3, 2010

Acts Referred:

- Constitution of India, 1950 - Article 226

Hon'ble Judges: Jayanta Kumar Biswas, J

Bench: Single Bench

Advocate: Parimal Kumar Duari and P.B. Mahata, for the Appellant; Murari Mohan Das and Tanusri Pal Chowdhuri, for the Respondent

Judgement

Jayanta Kumar Biswas, J.

The Petitioner in this Article 226 petition dated November 30, 2010 is aggrieved by the fact that his application dated November 18, 2010 (at p.31) for second post-mortem examination of the deadbody of his son has not been considered by the Superintendent of Police, Purulia.

2. The deceased was a student at Ramkrishna Vivekananda Mission in Purulia. He was reading in class IV and staying in the Mission hostel. The boy died an unnatural death. The M.O. Medico-Legal, Purulia Sadar Hospital completed the post-mortem examination and prepared his report dated November 8, 2010 (at p.18). Dissatisfied with the report the Petitioner submitted the application requesting for a second post-mortem examination of the deadbody. Since nothing was done, he has brought this petition.

3. After hearing counsel for the parties, I am of the view that it will be appropriate to dispose of the petition directing the Respondents to conduct a second post-mortem examination of the deadbody. The Petitioner, the father of the deceased, has stated in his application that he has reason to believe that his son did not commit suicide.

He requested for a second post-mortem examination on the basis that perhaps the first post-mortem examination could not reveal the actual cause of death of the boy. In my opinion, the Respondents ought to have accepted his request. It is to be noted that the deadbody has been preserved by the Petitioner.

4. For these reasons, I dispose of the petition ordering as follows. The Superintendent of Purulia Sadar Hospital shall appoint a Medical Officer other than the Medical Officer who conducted the first post-mortem examination of the deadbody to conduct a second post-mortem examination within five days from the date of communication of this order. The Medical Officer conducting the second post-mortem examination shall permit the Petitioner or any other person familiar with the deceased to be present at the post-mortem examination. The investigating officer who shall send the deadbody to the hospital shall also attend the post-mortem examination. No costs.

5. The Registrar General of this Court is directed to see that the certified xerox of the order is supplied to the Petitioner at once.