



RAJASTHAN HIGH COURT
HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR
सत्यमेव जयते

S.B. Criminal Writ Petition No. 2290/2025

Lila

----Petitioner

Versus

State Of Rajasthan

----Respondent

For Petitioner(s) : Mr. Vasu Dev Charan
Mr. Abhishek Akhawat
For Respondent(s) : Mr. D.S. Chandawat, PP
Mr. Hanwant Singh, Superintendent
Central Jail, Jodhpur

HON'BLE MR. JUSTICE FARJAND ALI

Order

08/01/2026

1. The present case pertains to an undertrial prisoner, who was lodged in judicial custody in connection with a regular criminal case and was produced pursuant to orders of the Court. It is alleged that, the said inmate was subjected to physical assault while in judicial custody. Upon his condition deteriorating, he was taken to the hospital, where he was declared brought dead. The post-mortem report reveals the presence of multiple injuries on the body of the deceased, raising serious and disturbing questions with regard to the treatment meted out to him while in custody. Aggrieved by the custodial death of the inmate and the circumstances surrounding the same, the family members of the deceased have approached this Court seeking judicial intervention.



2. Mr. Hanwant Singh, Jailer, Central Jail, Jodhpur, is present before this Court along with the learned Public Prosecutor.

3. This Court has carefully examined the post-mortem report. The autopsy reveals muscle hematoma measuring $4 \times 15 \times 0.2$ cm; two incised wounds having regular and well-defined margins; one incised wound with a well-defined margin accompanied by fresh bleeding; diffuse swelling over the subscalp hematoma in the temporal region; a reddish-blue linear contusion beneath which hematoma was noticed after dissection; a reddish abrasion over the right elbow; and a contused lacerated wound on the temporal region. The doctor conducting the autopsy has opined that all the aforesaid injuries were ante-mortem in nature and were sustained within a period of 0 to 6 hours prior to the death of the deceased.

4. Admittedly, during the period within which the injuries are opined to have been sustained, the deceased was in the custody of the respondent-Superintendent of Jail. Being the statutory custodian of inmates lodged within the jail precincts, the Superintendent cannot shun his responsibility to explain the circumstances under which the prisoner sustained such injuries. The doctrine of custodial responsibility casts a vicarious liability upon the jail administration for any untoward incident occurring within the precincts of the jail and its necessary consequences. The Superintendent of Jail cannot be absolved of his accountability to explain how the deceased received multiple injuries while in judicial custody. He is, therefore, required to file a detailed





affidavit, duly supported by material particulars, to satisfy this Court as to how he is not responsible for the occurrence.

5. The gravity of the matter is further compounded by the material placed on record by the learned counsel for the petitioner, drawing the attention of this Court to certain screenshots purportedly obtained by the family members of the deceased, reflecting communication and monetary transactions with jail authorities. There are serious allegations of extortion and demand of illegal gratification from the family of the deceased, allegedly in the name of ensuring his safety within the jail.

6. This Court cannot remain oblivious to the fact that complaints of corruption within jails are not uncommon. It is a matter of judicial notice that illegal collections from inmates often result in the easy availability of prohibited articles such as drugs, mobile phones, and at times even arms inside jail premises. Such systemic failure has, in several cases, enabled inmates, particularly young offenders, to operate criminal activities from within the prison itself. It is, therefore, imperative to ascertain as to in which cell the deceased was lodged, who were the co-inmates housed with him, and which sentinel or jail official was responsible for guarding and supervising the said cell during the relevant period.

7. This Court is of the view that the matters relating to custodial deaths strike at the very heart of Article 21 of the Constitution of India. Human life is sacrosanct and constitutional courts are expected to display heightened sensitivity, vigilance, and promptitude while dealing with such cases. It has been





consistently noticed that with the passage of time, evidence tends to get distorted, diluted, or even obliterated. The evidentiary value of material collected immediately after the incident stands on an entirely different footing as compared to evidence gathered after a considerable lapse of time. Delay in conducting inquiry not only hampers the truth-finding process but also erodes public confidence in the administration of justice.

8. The judicial inquiry has been pending since July 2025. This Court, vide order dated 15.07.2025 passed in Criminal Appeal No. 457/2025, had expected an expeditious conclusion of the inquiry; however, the needful has not been done till date. This Court has received a report dated 20.12.2025 forwarded by Anubhav Tiwari, RJS, ACJM (CBI Cases), Jodhpur Metro, a perusal whereof suggests that the inquiry is not being conducted with the required seriousness and expedition. Therefore, other routine assignments deserve to take a back seat and the present inquiry is required to be completed on a priority basis.

9. Accordingly, the learned ACJM, being the Inquiry Officer, is directed to complete the judicial inquiry within a period of 15 days from the date of receipt of a copy of this order and forward a copy of the inquiry report to this Court without unnecessary delay.

9.1 The learned District and Sessions Judge, Jodhpur Metro, is further directed to sensitize the Inquiry Officer regarding the constitutional importance of custodial death inquiries. This Court also requests the learned District Judge to consider granting additional time and administrative support, if necessary,





exclusively for the purpose of concluding this inquiry within the stipulated period.

10. The Jailer and the Superintendent of Jail, as well as the Superintendent of Police concerned, shall file separate affidavits explaining, in clear and categorical terms, the circumstances under which the deceased sustained injuries while in custody.

11. A copy of this order shall be forthwith forwarded to the learned District and Sessions Judge, Jodhpur Metro, for strict compliance.

12. Having regard to the averments made in the writ petition, the alleged infringement of fundamental rights, the direct threat to life and liberty of an individual, the manner of custodial death, and the lackadaisical approach in conducting the judicial inquiry, this Court finds it appropriate to take up the matter for consideration. Accordingly, the writ petition is admitted.

13. List the matter on 23.01.2026, in the part-heard category, for consideration of the affidavits to be filed by the Superintendent of Jail and the Jailer of the concerned jail.

(FARJAND ALI),J

111-neha/-

