

**Before the Maharashtra State Commission  
for Protection of Child Rights.**

**Enquiry, under section 13(1) & 14 of the child  
right protection act, 2005**

**Case No. 259 / 2013-14**

**Shri Rampratap Aditya Singh ... Applicants**

**V/s**

**Chatrapati Shivaji Hospital, Kalwa, Thane... Respondent**

**Background**

This matter was brought before the Commission by the Government with request to enquire the matter and submit report. In the matter Applicant Ram Pratap Singh has made an allegation against the police and Doctors working in the Kalwa Police station and Chatrapati Shivaji Hospital, Kalwa, Thane, saying that applicant's son Rahul was admitted in the said hospital, and died due to negligence of the doctors. The reason of death as alleged was transferring of blood from his body by the Doctors. The applicant has said that, even postmortem report was not given to them and when demanded then his family was beaten by the police. He has further alleged that his son have been murdered by the doctors with the help of unknown person thus criminal conspiracy in this matter may not be ruled out.

2. The Commission took the cognizance and issued notices to the Superintendent of Chatrapati Shivaji Maharaj hospital, Superintendent of Police, Incharge of Nizampur Police Station, Bhiwandi, Dr. Sohail Ahmed, Dr. Aijaz Khan, Dr. Mohammad

Salim, Commissioner of Police, Thane etc. Dr. Sadanand Kaluram Waghchoure, Medical Superintendent of Chhatrapati Shivaji Maharaj Hospital filed a written submission. In his submission he has described detailed history starting from the admission of the patient in the hospital and till the death. In the submission it is pointed out that on 25/8/2012 at 12.40 a.m. when patient came in the hospital then he was placed under the charge of doctor and appropriate treatment had been started. The previous history of patient was showing that he was suffering from Malaria with Thrombocytopenia. The report was given by the Indira Gandhi Memorial Hospital, Bhiwandi. Patient was examined by on duty C.M.O. and was advised following medicines :

- a. Inj. Monocel 1 gm
- b. Inj. Falsigo 120 mg
- c. Inj. Panfort 20 mg
- d. Inj. Solmetrol 40 mg
- e. Inj. Aknil
- f. IV 1 pint RL with MV1

At about 1.10 a.m. the patient has started reflecting breathlessness and his platelets count was reduced and accordingly the relatives of the patient were requested to arrange for the platelets. Since the platelets were not made available the same could not be administered to the patient. At about 1.30 a.m. the patient became unconscious and from his mouth the blood was oozing. Taking into consideration the

situation of patient he was administered the following medicines :

- a. Inj. Vit K. 10 mg
- b. O2 By Nasal Cathater
- c. Suction Per orally, applied

On 25/08/2012 at about 1.45 a.m. the patient health became critical and hence he was further administered with following treatment and medicines.

- a. Cardio Pulmonary Resuscutation
- b. Inj. Atropine 1 Ampule
- c. Inj. Adreniline 1 ampule.

On 25/8/2012 at about 2.15 a.m. the above all necessary treatment being given to the patient under the medical supervision, but the patient was not responding the treatment. There was total loss vital signs and accordingly lastly pronounce as dead. In order to ascertain the exact cause of death the doctor on duty decided to go for Post Mortem of the patient. At about 4.10 a.m. in Ward No.11 the staff nurse on duty Smt. Sunita Tombare was manhandled by the relatives of the diseased patient. In this context Shri J.N. Aher, A.S.I., Mumbra Police Station has carried out Panchnama of the patient and copy of the same was given to the Forensic Department of hospital. On 25/08/2012 at about 10.35 a.m. Dr. Atul Chondekar, M.B.B.S. commenced the Post Mortem of diseased patient and concluded the same at about 11.45 a.m. the Visera (Lung, Spleen, Liver, Kidney, Heart, Brain,

Stomach & Intestine) and Blood sample for IgG, Igm were forwarded to Pathology Department for carrying out necessary histopathology test.

3. In the affidavit it has been mentioned that his hospital has provided treatment as per established medical practice. No human organs of deceased person carried out and Post Mortem was done as per provision of law.

4. Written submission has been filed by Dr. Aijaz Khan, Medical practitioner, Bhiwandi. In the submission he has mentioned that patient was admitted in his hospital on 24/8/2012 with complaint of fever, he was critically ill when admitted in the hospital, his platelet count was very low. Seeing the critical condition of patient, his relatives were advised to shift him in Sion hospital. Dr. Khan has submitted in his submission that patient was treated with due care. So far bill of hospital is concerned relative has paid Rs.5000/- against Rs.7000/-.

5. Dr. Vasant Rao Nail, Medical Officer, Indira Gandhi Smruti Hospital, Bhiwandi in his affidavit contested the charge alleged by the Complainant. He has mentioned that, on account of critical condition of patient he advised to the relative of the patient to shift him in Sion hospital. Police Inspector Shri Santu Khamkar, Nizampura, Bhiwandi submitted his written submission. Inquiry report, submitted by the Police Inspector has covered all issues.

6. The Post Mortem report and list of medicine applied on patient as mentioned in affidavit filed by Doctor of Chatrapati

Shivaji Hospital, Indira Gandhi Smruti Hospital, and other doctors is revealing that death of patient was due to Malaria. Negligence at the level of doctors has not been established. Allegation as raised by the complainant against the police regarding the assault on family member of complainant is also not established. After going through the chronology of case it cannot be admitted that patient was died , due to removal of blood from his body.

7. On the basis of the records, submission of parties, enquiry report of police; it is appearing that an allegation as made by the Complainant is not based on facts. However it is appearing that behaviour of police was not proper, to deal the relatives of the patient.

8. In view of above the Commission's Recommendation is as follows:

- I) Son of the Complainant has died due to Malaria and not by the removal of blood and organs.
- II) Medical practices, done by an unqualified private practioners should be checked and banned.

By order and seal of the Commission.



(A.N.Tripathi )

I.F.S.

Secretary

Maharashtra state commission for  
protection of child rights