



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1093 of 2025

**Shree Hospital,
Bhubaneswar**

.... **Petitioner**
Mr. Manas
Kumar
Mohapatra,
Senior,
Advocate

-versus-

State of Odisha & another

.... **Opp. Parties**
Mr. Satyabrata
Panda, ASC

CORAM:

JUSTICE SIBO SANKAR MISHRA

**Order
No.**

**ORDER
27.03.2025**

01.

1. The petitioner is an accused in the F.I.R. in connection with Badagad P.S. Case No.147 of 2019 corresponding to OHRC Case No.2631 of 2019 registered for the alleged commission of offence punishable under Section 304-A of the IPC.

2. The allegation against the petitioner is that the complainant reported at the P.S. that her son met with an accident near AIIMS and he was shifted to the AIIMS for treatment. But since his condition was



deteriorated, the doctor of the AIIMS referred to Shree Hospital for better treatment. The complainant shifted her son to Shree Hospital. But the doctors of the said hospital did not take proper care of her son and due to the negligence of the treating doctors, her son died. Hence, the F.I.R.

3. The complainant had filed a complaint before the Odisha Human Rights Commission, which was registered as OHRC Case No.2631 of 2019. The learned Human Rights Commission, on 28.11.2019 has passed the following order:

“In my considered view, the facts narrated above do not prima facie make out a case of medical negligence. What the complainant feels is not important. The facts narrated above rather disclose that all necessary steps were taken and yet the life of the patient could not be saved. It may be a fact that there could not be a proper diagnosis to know as to why the BP was very low. With all these allegations, the complainant may move the civil court for appropriate relief, but for the commission to take cognizance of the matter there should be a prima facie case of medical negligence.

That apart, the complainant has lodged FIR alleging gross medical negligence and on her FIR a case under section 304-A of the IPC has been registered. The commission is, therefore not inclined to further proceed with this matter. Hence, the complaint is dismissed under Regulation 10(c) of the Odisha Human Rights Commission (Procedure) Regulations, 2003.”

4. Mr. Manas Kumar Mohapatra, learned Senior Advocate appearing on behalf of the petitioner also submits that in the present case, there is no inquiry



conducted by the medical authorities. Hence, he submits that this case is directly covered by the guidelines issued by the Hon'ble Supreme Court in the case of **Jacob Mathew V. State of Punjab** reported in **(2005) 6 SCC 1**.

5. Issue notice.

6. Mr. Panda, learned Additional Standing Counsel appearing on behalf of the opposite party No.1-State waives the notice.

7. Issue notice to the opposite party No.2 by Registered Post with A.D./Speed Post with A.D. Requisites shall be filed by tomorrow.

8. List this matter four weeks after.

9. Since the investigation is still going on, no interim order needs to be passed in the present matter. However, Mr. Mohapatra, learned Senior Advocate for the petitioner has pointed out that on 14.03.2025, the I.O. of the case has issued a notice seeking seizure of the original records.

10. It is open for the petitioner to appraise the I.O. about the pendency of the present case before this Court.

Signature Not Verified

Digitally Signed
Signed by: SUBHASIS MOHANTY
Designation: Personal Assistant
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 28-Mar-2025 10:26:25



(S.S. Mishra)
Judge