

GAHC040003782024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : W.P.(Crl.)/1/2024

Bikash Dewan
Son of Priyo Dewan, Maitripur Village, PO Diyun, Changlang District, Arunachal Pradesh

VERSUS

The State of AP and 3 Ors
represented by the Chief Secretary, Govt of Arunachal Pradesh, Itanagar

2:The Principal Secretary (Home)
Govt of Arunachal Pradesh, Itanagar

3:The Inspector General of Prison
Itanagar, Arunachal Pradesh

4:The Ex Officio
Jail Superintendent Sub jail Khonsa Tirap District Arunachal Pradesh

Advocate for the Petitioner : D K Deori

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 26-03-2024

Heard Mr. D. K. Deori, the learned counsel for the petitioner and I. Riram, the learned Additional Senior Government Advocate for the respondents.

2. By filing this application, the petitioner has sought for a direction to the respondent authorities to take decision on an application dated 11.03.2024, submitted by him for grant of parole to his father, the convict, Shri Priyo Dewan for the period of 60(sixty) days to enable the petitioner to take his father for medical treatment and surgery as advised by the Doctors and recommended by the Medical Board dated 07.03.2024.

3. This Court on 14.03.2024, directed the learned Additional Senior Government Advocate to obtain instructions as to the nature of the treatment as provided to the father of the petitioner, who is a confined convict presently confined in Khonsa sub-jail. It further directed the Jail Superintendent, Khonsa sub-jail to furnish a status report with regard to the treatments provided to the father of the petitioner for the ailments suffered by him.

4. On 20.03.2024, the learned Additional Senior Government

Advocate has placed a written instruction which shows that the father of the petitioner was, in fact, sent to the Assam Medical College & Hospital (AMCH) at Dibrugarh on at least four occasions, over the past one month, for medical treatment. However, it was found that although there was a medical advised to undergo surgery, the instruction does not reflect particular action from the authorities for arranging the admission in the hospital for surgery of the father of the petitioner. Having found that, the learned Additional Senior Government Advocate was directed to obtain up-dated written instruction indicating concrete steps, if any, taken by the authorities for subjecting the petitioner's father to go surgery.

5. Today, Mr. I. Riram, the learned Additional Senior Government Advocate has placed the communication dated 22.03.2024, by which, it has been informed that the authorities have sent a letter to the Medical Superintendent, General Hospital, Khonsa for furnishing health status of the father of the petitioner, Convict, Priyo Dewan, which is stated to be awaited.

6. It is noticed that as per the report of Board of Doctors, on being examined the father of the petitioner, Convict, Priyo Dewan, he is found to be suffering from Bilateral Renal Calculi. He was also examined by the Urologist at AMC Dibrugarh and was advised for surgery (Endocystolithotripsy/Open Cystotomy). The Boards of

Doctors after careful examination, recommended for surgery as advised.

7. Considering that the father of the petitioner is suffering from an ailment and is required to undergo surgery as advised by the Doctors and recommended by the Board of Doctors as constituted for the purpose, I deem it appropriate to dispose of this application with a direction to the respondent authorities to take a decision forthwith on the application dated 11.03.2024. Accordingly, the respondent authorities are directed to take a decision on the application of the petitioner dated 11.03.2024 within a period of 7(seven) days from today and passed an appropriate orders’.

8. It is also made clear that in the event, no decision is taken within the period of the 7(seven) days, as directed herein above, the father of the petitioner, Convict, Shri Priyo Dewan, shall be allowed to undergo surgery for his ailments as advised by the Doctors in hospital of his choice forthwith as may be permissible under law.

9. With the above terms, the writ petition stands disposed of.

JUDGE