

GAHC010041662024



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

Case No. : I.A.(Crl.)/198/2024

HASIMUDDIN AND 2 ORS.
S/O KERAMAT ALI,
RESIDENT OF VILLAGE KAPATIGAON, PO KOPATI, PS DALGAON, DIST
DARRANG, ASSAM, 784113

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 05.04.2024

[M. Choudhury, J]

Heard Mr. M. Ahmed, learned counsel for the applicant-appellant and Ms. B. Bhuyan, learned Senior Counsel and Additional Public Prosecutor for the respondent State.

2. This Court by Order dated 18.03.2024 had observed, considering the then health condition of the applicant-appellant, that a Medical Board be constituted by the Superintendent of Gauhati Medical College & Hospital [GMCH] to examine the health condition of the applicant-appellant, who was then lodged in the District Jail, Darrang, Mangaldai, and thereafter, to furnish a Report before this Court through the learned Additional Public Prosecutor today.

3. Ms. Bhuyan, learned Senior Counsel and Additional Public Prosecutor has placed a Communication bearing no. MDJ.20/2024/434 dated 02.04.2024 of the Superintendent of District Jail, Mangaldai along with a Communication bearing no. MCH/82/87/Pt-30/310 dated 28.02.2024 of the Superintendent, GMCH. The Superintendent, GMCH by the Communication dated 28.03.2024 had forwarded a Report of the Medical Board, which examined the applicant-appellant on 28.03.2024.

4. After examination of the applicant-appellant, the Medical Board in its Report had advised oral medication and ultrosonography of the whole abdomen. In addition, the Medical Board had advised blood investigation and review in the OPDs of the Surgery Department, Medicine Department and Urology Department of the GMCH. It is further reported that the Inspector General of Prisons, Assam to facilitate better treatment of the applicant-appellant, had accorded sanction on 28.03.2024 for temporary transfer of the applicant-appellant from the District Jail, Mangaldai to Central Jail, Guwahati so that the applicant-appellant can be treated at the GMCH. The Superintendent, District Jail, Mangaldai in the Communication dated 02.04.2024 has reported that the applicant-appellant would be shifted to the Central Jail, Guwahati on 03.04.2024.

5. Both Mr. Ahmed and Ms. Bhuyan have submitted, on instruction, that the applicant-appellant has been shifted from District Jail, Mangaldai to the Central Jail, Guwahati in the meantime so as to facilitate his medical treatment, as per the advices of the Medical Board at the GMCH.

6. In view of the afore-mentioned developments, we close this interlocutory application with the observation that the applicant-appellant should be provided the necessary treatment, as advised by the Medical Board in its Report dated 28.03.2024, at the GMCH. We further observe that in the event of any subsequent health complication, the applicant-appellant would be at liberty to prefer appropriate application.

JUDGE

JUDGE

Comparing Assistant