

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4520 OF 2015

Faisal Sharif Abdul Gafoor Parkar

..Petitioner.

V/s.

The State of Maharashtra and Ors.

..Respondents.

Ms.Farhana Shah for the petitioner.

Mrs.M.M.Deshmukh, APP for respondent-State.

Dr. S.G.Jadhav. Professor in Medicine, J.J. Hospital - present.

Dr.K.Jagiase, Associate Professofof in Neurology – present.

Mr.Sandip E.Chavhan, Jailor of Nashik Road Central prison – present.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 7TH DECEMBER 2015

P.C. :-

1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is the son of Sharif Abdul Gafoor Parkar, who is convicted under the TADA Act and sentenced to life imprisonment (hereinafter referred to as “said of convict”). By this petition, the petitioner is seeking the following reliefs:-

- i) By an appropriate writ, order or direction of this Hon'ble Court the Convict Sharif Abdul Gafoor Parker, C-9159 may kindly be given proper medical treatment and to treat him in J.J.

Hospital immediately as he is suffering from various ailments and is not able to move on his own and requires medical treatment and round the clock assistance;

- ii) To call for the entire medical report from the Dean / concerned Dr. of J.J. Hospital immediately in order to know that the said convict is suffering from various ailments and is unable to move on his own and requires round the clock assistance;
- iii) Grant permission to the petitioner to be with his father round the clock and serve him as due to paralytic stroke he cannot do anything and everything is on bed that is even to answer nature's call he cannot move;
- iv) Grant permission to the petitioner to serve home food to the said convict after security check-up which will be as advised by the doctor and will serve as an addition for quick recovery of the said convict;
- v) Grant permission to the petitioner and other relatives to visit and take Mulaqat with the said convict so he gets the moral support and will be able to recover at the earliest;

- vi) Grant permission to the petitioner to get his father admitted in any other private hospital at their cost that is of the hospital and medical treatment if the Dean is not ready to take care and provided medical treatment.

3. The petition was placed before us on 30th November, 2015. On that date, learned APP submitted reports in respect of said convict signed by Associate Professor, Department of Neurology, Professor and Unit Head of Unit No.2, Department of Orthopaedics and Assistant Professor, Department of Nephrology as well as Professor, Department of Medicine, Sir J.J. Hospital, Mumbai. All the reports recommended discharge of the patient. However, in the report issued from Orthopedic Department and Medicine Department, it was observed that petitioner's father needs physiotherapy, including gait exercises. We, therefore, adjourned the matter with the direction to learned APP to submit a fresh report.

4. Learned APP accordingly placed on record a fresh report signed by Panel of Doctors consisting of Professor and Head of Unit, Department of Medicine, Associate Professor and Head of Unit, Department of Neurology, Assistant Professor, Department of Nephrology and Assistant Professor, Department of Orthopedics with a covering letter of the Dean of J.J. Hospital, Mumbai. As per

the report, the petitioner's father now requires oral medications and physiotherapy. Report further states that no active medical supervision or intervention is required in the matter of petitioner's father. They have also observed that looking to age of patient complete recovery of left sided weakness is difficult to predict. They advised discharge of patient / convict from the hospital.

5. Learned APP on instructions submits that the patient - petitioner's father is now able to walk with the help of assistant or with the support of walker and in case any medical aid is required, the same will be provided in Central Prison at Nashik and if required, the patient / convict will be admitted in Civil Hospital, Nashik. Statement made by APP is accepted.

7. In the light of the above no further direction needs to be issued. Accordingly, the petition is disposed of.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)