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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4 of 2016

Sudhakar W. Chavan

..Petitioner.

V/s.

The State of Maharashtra and Anr.

..Respondents.

Mr.Mr.Harshad Bhadbhade for the petitioner.

Mr.Raja B.Thakare, Special PP with Mr.A.M.Chimalkar, Special PP and Mrs.U.V. Kejriwal, APP for the respondent-State.

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

DATED : 11TH JANUARY, 2016

P.C. :-

1. Mr.Bhadbhade, learned counsel for the petitioner at the outset restricts the petition to the relief claimed in prayer clause B1.

2. Prayer clause B1 reads as under:-

"The Petitioner be permitted to bring Medical Cot and CPAP Machine at his cost to Thane Central Prison and further the Petitioner may be permitted to use the same at the time of sleeping."

3. When the matter was placed before this Court on 6th January, 2016, we had directed the Dean of the J.J. Hospital,

Mumbai to constitute a Panel of Doctors to examine the petitioner and submit a report as to whether the petitioner is suffering from Obstructive Sleep Apnoea and also found to be suffering from diabetes. It was further directed to report whether C-PAP machine and specialised medical cot is required to be provided to the petitioner. The matter was adjourned to 11th January, 2016.

4. Mr.Thakare, learned Special PP for the State has placed on record a report of the Medical Superintendent, J.J. Hospital, Mumbai dated 11th January, 2016. We have perused the report. The report shows that general examination of the petitioner was done and he was not examined for the ailment of Obstructive Sleep Apnoea. Mr.Bhadbhade, learned counsel for the petitioner submits that order was passed on 6th January, 2016 and the petitioner was taken to the hospital on Saturday, 9th January, 2016, but he could not be examined for the ailment of Obstructive Sleep Apnoea as the machine for examination of the said ailment was not in working condition. The said report is taken on record.

5. Mr.Thakare submits that a copy of the order dated 6th January, 2016 was made available to the Dean of the J.J. Hospital, Mumbai. Despite that, the petitioner was not examined for the Obstructive Sleep Apnoea and there is nothing in the report about this ailment. We are perplexed about the manner in which the authorities from the J.J. Hospital have acted in the matter. This

shows the casual manner in which the concerned authorities in the J.J. Hospital have acted. Mr.Thakare, learned Special PP however states that he has no objection if the above relief prayed by the petitioner is granted. We, therefore, do not propose to proceed further and allow the petitioner to bring the C-PAP machine to the Thane Central Prison and dispose of the petition with directions that the family members of the petitioner to bring the C-PAP machine and hand it over to the jail authorities. The jail authorities will allow the C-PAP machine to be used by the petitioner at his own risk and under the supervision of the Medical Officer of the Central Prison.

6. Mr.Bhadhade, at this stage, also makes a grievance that the petitioner is suffering from diabetes and some times he may be required to take insulin. Learned Special PP on instructions states that as and when required the petitioner will be provided with the medical aid in the Jail Hospital and if required provide insulin as per medical advice from Medical Officer. Statement is accepted.

7. Subject to above, the petition is disposed of.

All concerned to act on an authenticated copy of this order.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)