

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL WRIT PETITION NO. 2274 OF 2016

Vimal Jadhavji Barot

.....Petitioner

V/s.

The Senior Inspector of Police and Ors

....Respondents

Mr. Balwant Salunkhe Advocate for Petitioner.

Mrs. A. A. Mane APP for the State.

CORAM : RAVINDRA V. GHUGE, J.

DATED : JULY 8, 2016.

PC :

- 1) Petitioner is aggrieved by the order dated 28/04/2016 passed by the learned Additional Sessions Judge/Special Court (C.B.I.).
- 2) The grievance is that the Petitioner is suffering from Systemic Lupus Erythematosus (SLE) with uncontrolled Diabetes Mellitus with Acute Prolapse Intervertebral Disc with Cellulitis Abdomen, Neck & Anxiety Panic Attack. This contention is based on a report of Dr. Umesh K. Shetty, Aviva Multi Speciality Hospital.
- 3) The learned Advocate for the Petitioner makes a categoric statement that the Petitioner is suffering from cancer. His further contention is that the Petitioner cannot be medically permitted to undertake long travelling and sitting for long durations, owing to two major surgeries and Prolapse Disc L-4

L-5.

4) Learned APP appearing on behalf of the Respondent/State submits that the learned Additional Sessions Judge has not directed the handing over of the custody of the Petitioner. The order is conditional. If the Medical Officer in jail permits the handing over of the custody, considering the health status of the Petitioner, only then would the custody of the Petitioner be handed over to the C.B.I. in connection with the case U.T. No. 855 of 2016 pending in the court of Chief Metropolitan Magistrate, South East District, Saket Courts, Delhi. She further submits that the production has been sought by the concerned agency, in pursuance to the order of the learned Chief Metropolitan Magistrate, seeking the custody of the Petitioner.

5) In my view, after considering the submissions of the learned Advocates, it is apparent that this petition has been prematurely filed. The order impugned is dated 28/04/2016. The said order takes care of the health status of the Petitioner. If the Medical Officer would not permit, the custody of the Petitioner will not be handed over for attending the Court in Delhi.

6) In that view of the matter, this petition is dismissed.

(RAVINDRA V. GHUGE, J.)