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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 1728/2016**

MOHD. IRFAN @ CHENNU

..... Petitioner

Through: **Mr.S.N.Qureshi, Advocate**

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: **Mr.Rahul Mehra, St.Counsel for the
State with Mr.Jamal Akhtar &
Mr.Tushar Sannu, Advocates**

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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01.06.2016

1. By way of this writ petition filed under Article 226 of the Constitution of India read with Section 482 of Cr.P.C., petitioner has made the following prayers:-

- (i) To allow the present writ petition;
 - (ii) To issue direction to the Superintendent, Central Jail, Tihar, New Delhi to provide extra security to the petitioner;
 - (iii) To admit the petitioner in Max Balaji Hospital, Patparganj, Delhi for further surgery/operation;
 - (iv) Not to transfer the petitioner from Jail No.5 to any other ward/jail.
2. Today learned counsel for the petitioner press prayer no. (iii) only.
3. Status report has been filed wherein it is mentioned as under:-

“It is submitted that the said inmate/patient came to CJ-05 ON 18.03.2016, and he is currently lodged in Central Jail No.05, tihar, New Delhi. Patient is a known case of Bullet Injury Abdomen with Colonic Perforaton & Right Shattered kidney with Haemoperitonium with Retroperitoneal Haemotoma. His surgery (Explaoratory Laparotomy Right

Hemicolectomy, end ileostomy with Mucous Fistula with Right Nephrectomy and removal of bullets with debridement of Tracts) had already been done on 23.12.2015 at Max Balaji Hospital, Patparganj, Delhi.

It is further reported in the status report that he was sent to DDU hospital for review on 05.04.2016 and next date was given as 18.04.2016 and on that date machine was not functioning. On 25.04.2016 he was sent to other hospital i.e. LNJP Hospital where again due to non-functioning of machine Distal Cologram was not done.”

4. Learned counsel for the petitioner submits that since the surgery was conducted at Max Balaji Hospital, Patparganj, Delhi, the post surgery treatment is also necessary in the same hospital for which family is ready to bear hospital expenses.
5. Considering the status report that repeatedly the petitioner was taken to Government hospital but due to non-functioning of machine Distal Cologram could not be done and otherwise also it would be proper for the petitioner to get the needful done from the same hospital where his surgery was conducted.
6. In view of the submissions made by learned counsel for the petitioner, Jail Superintendent is directed to make necessary arrangement to enable the petitioner to get the needful done from Max Balaji Hospital, Patparganj, Delhi where his surgery was performed.
7. Writ petition stands disposed of in above terms.
8. A copy of this order be sent to the concerned Jail Superintendent for information and compliance.
9. A copy of this order be given *dasti* under the signature of Court Master.

PRATIBHA RANI, J.