

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 67 OF 2014
(THROUGH JAIL)**

Jitendra Shantilal Modha,
Convict-16530, Age : 43 years,
Presently lodged at Yerwada
Central Prison, Pune - 6

...Petitioner

Versus

State of Maharashtra

...Respondent

Mr. Prosper D'Souza for the Petitioner

Mr. H. J. Dedia, A.P.P for the Respondents-State

**CORAM : SMT. V. K. TAHILRAMANI &
REVATI MOHITE DERE, JJ.
TUESDAY, 17th JANUARY, 2017**

ORAL JUDGMENT (Per Smt. V. K. Tahilramani, J.) :

1. Heard both sides.
2. Rule. By consent, rule is made returnable forthwith and the matter is heard finally.
3. The case of the petitioner is that since one year, he is suffering from Sinus problem and in the last three months, his

medical problem has increased due to which his nose is leaking all the time and he is unable to sleep. His medical problem also interferes in his day-to-day activities. The grievance of the petitioner is that though on two or three occasions, he has requested the jail authorities to send him to Sassoon Hospital, he could not be sent, as no escort was made available by the police.

4. Looking to the medical problem of the petitioner, we had asked the learned A.P.P to take instructions whether the petitioner was sent to the hospital to be examined by an expert from the ENT Department. Pursuant to the said directions. The learned A.P.P produced the medical papers of the petitioner. The same are taken on record and marked 'X' Collectively. They show that on 14th January, 2016, the petitioner was referred to Sassoon Hospital, Pune. The petitioner was examined by an expert from the ENT Department and after examination, conservative medical treatment was prescribed by the ENT doctor. The medical papers of the petitioner show that no surgical procedure is necessary and the general health condition

of the petitioner is stable and he is not suffering from any serious illness regarding his nose. It is stated that in the past also, the petitioner has been referred to Sassoon Hospital to be examined by an expert on 23rd November, 2016. The petitioner's health condition is stable. Learned A.P.P states that at present, the petitioner has been prescribed treatment for 7 days and thereafter, the petitioner will be taken for follow-up to Sassoon Hospital. In this view of the matter, no further orders are necessary. Hence, rule is discharged.

5. Office to communicate this order to the petitioner, who is in Yerwada Central Prison, Pune.

(REVATI MOHITE DERE, J.)

(V. K. TAHILRAMANI, J.)