

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRI. APPLICATION (BA) NO. 632 OF 2017

(KISHOR UTTAMCHAND VIRANI....VS.. STATE OF MAH.THR.P.S.O., RAM NAGAR, CHANDRAPUR)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.P.Kariya, Advocate for Applicant.
Shri T.A.Mirza, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JULY 19, 2017.

Heard.

The applicant is arrested on 5th June, 2017 in connection with Crime No.879 of 2017 registered for the offences punishable under Sections 354-A(1)(ii) and 323 of the Indian Penal Code and Section 3(1)(w)(i) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The applicant had filed application under Section 439 of the Code of Criminal Procedure which was rejected by the Sessions Court by order passed on 13th June, 2017. Later on, the applicant filed another application under Section 439 of the Code of Criminal Procedure seeking relief on the ground that he is suffering from serious ailment and requires urgent treatment from private doctor. This application is dismissed by the Sessions Court on 22nd June, 2017. The applicant has filed this application seeking directions to the non-applicant to release the applicant on bail and alternate submission is made on behalf of the applicant that his prayer be considered keeping in view his health problems.

While dismissing the application filed by the applicant by the order passed on 22nd June, 2017 the learned Additional Sessions Judge has directed the Superintendent, Central Prison, Chandrapur to ensure immediate medical treatment to the applicant and submit compliance report till 24th June, 2017.

When this application was listed on 13th July, 2017, considering the grievance of the applicant about his health problems, the non-applicant was directed to file reply/affidavit pointing out the steps taken as per the order passed by the learned Additional Sessions Judge on 22nd June, 2017. Accordingly, the non-applicant filed affidavit. The application was listed on 18th July, 2017 and the reply filed by the non-applicant showed that the Police Authorities had taken appropriate steps to make available proper treatment to the applicant at the Government Medical College and Hospital, Nagpur.

At this stage, a submission was made on behalf of the applicant that the non-applicant is misleading the Court and the Haemoglobin count of the applicant was below 6.

In view of the submission, the advocate representing the applicant was directed to place on record relevant documents to support the contention. Today, the learned advocate for the applicant has stated that he is not in a position to place on record any pathological report. It is not understood as to on what basis the submission was made that Haemoglobin count of the applicant was below 6.

The facts on record creates impression that the applicant is attempting to mislead the Court. In the order passed on 22nd June, 2017 the learned Additional Sessions Judge has directed the Superintendent Central Prison, Chandrapur to ensure immediate medical treatment to the applicant. The non-applicant has pointed out in the reply filed by it the steps taken to ensure all possible medical aid to the applicant.

Considering the facts of the case, the application is **dismissed**.

JUDGE

RRaut..