

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Application(APPP) No.1511/2018 in
Criminal Application (ABA) No.433/2016

Smt. Veena G.Sarda Vs. State of Maharashtra, through Dy. Superintendent of Police,
Economic Offence Wing, Crime Branch, Nagpur.

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

Court's or Judge's orders.

Shri Sahil Dewani, Advocate for applicant.
Ms Ritu Kalia, APP for respondent-State.

CORAM : S. B. SHUKRE, J.

DATED : SEPTEMBER 12, 2018

Reply filed by the prosecution is taken on record.

Heard.

This application has been moved by the applicant on serious health issue that she is suffering from. The ailment that the applicant suffers is an aggressive Multiple Myeloma (Blood Cancer) diagnosed in 2016. This is supported by the Medical Certificate, a copy of which has been filed along with the application, at page no.13. This certificate is issued by P.D. Hinduja National Hospital and Medical Research Centre, Mumbai. The certificate states that her health is deteriorating day by day and her bone marrow has developed lesions over a period of time because of the damage being done by plasma(cancer) cells. The certificate also states that most advanced clinical trial and tests are only available in USA and no other country. The ailment being suffered by the applicant, its stage and the condition of present health are not in dispute.

The learned APP submits that last time she was granted permission to go to UK for getting similar treatment and now she wants to go to USA. Therefore, some doubt is created.

The learned counsel for the applicant submits that although the permission was granted for going to UK, the applicant could not avail of the permission and she did not go to UK only for the reason that her condition had then deteriorated so much as to make her incapable of travelling. He further submits that, now, Hinduja Hospital Authorities have advised her to go to USA and the advise is supported by the medical certificate at page 13.

Considering these facts, which are there on record, I am of the view that the applicant has made out her case for grant of permission to go to USA. Accordingly, the application is allowed in terms of prayer clause (a). The applicant shall furnish details of her foreign address/addresses together with telephone number to the Economic Offence Wing. The applicant shall also inform her date of return in December 2018 to Economic Offence Wing.

The application stands disposed of in the aforesaid terms.

JUDGE