

**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

**CRIMINAL PETITION No.12182 of 2017**

**ORDER:**

This criminal petition is filed under Section 482 Cr.P.C. seeking a direction against the Principal District and Sessions Judge-cum-Special Court, Nellore not to insist the physical production of the petitioner in extension of judicial custody under Section 167(2)(1)(b) of the Cr.P.C., 1973 in Crime No.378 of 2014 of Nellore III Town Police Station, Nellore District and direct the Superintendent of Police, Vijayawada to produce the petitioner through the medium of Electronic Linkage.

The main reason for seeking such direction is that several cases were registered against the petitioner and that the petitioner under went PCI. PTCA + 2 stent to LAD at Care Hospitals, Hyderabad and required continuous medication and also suffering from different ailments and that the petitioner was recently admitted for medical treatment in NIMS Hospital, Hyderabad and suffered heart attack while in judicial custody on 14.08.2017. The other ground is that the petitioner is in District Jail/Central Prison, Eluru and whereas the petitioner has to be produced before Principal District and Sessions Judge, Nellore and that it is difficult for him to move from Eluru to Nellore. Hence, this petition.

During hearing, learned counsel for the petitioner drew the attention of this Court to the guidelines issued by this Court for physical production of the petitioner for extension of remand under Section 164 Cr.P.C and other guidelines issued by this Court.

Learned Additional Public Prosecutor expressed his inability to find out whether there was any video linkage facility at Nellore District to extend remand by exercising power under Section 164 Cr.P.C. and unless there is video linkage to the Court and the jail, the order if any passed by the Court is impossible to implement it, that the State addressed a letter to the Central Prison/District Prison, Eluru to find out the health condition of the petitioner and requested this Court to pass appropriate orders.

According to the allegations made in the complaint, the petitioner/A8 was aged 52 years and underwent heart surgery and to that effect, he produced photo stat copies of certificate issued by the Heart Care Centre to *prima facie* establish that he was treated for heart disease and he underwent treatment in NIMS Hospital, Hyderabad through jail authorities and that he cannot undertake journey for a long distance from Eluru to Nellore. Guideline No.4 issued by this Court permits the Courts to extend remand by video conferencing facility. Therefore, to avoid inconvenience to the petitioner, who is suffering from heart disease, it is appropriate to issue a direction to the State to produce the petitioner through video linkage before the Principal District and Sessions Judge, Nellore, if available.

With the above direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

**JUSTICE M. SATYANARAYANA MURTHY**

04.01.2018  
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