

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1498 of 2018**

Shivprasad Balgoving Kesari (through Jail)	Petitioner
versus	
The State of Maharashtra	Respondent
None for the petitioner.	
Mr. K. V. Saste, APP for the State.	

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 19th JUNE, 2019.

P. C. :

The petition is filed through Jail. In this petition, the petitioner has stated that he is suffering from dental and urinary tract infection. He has also complained that he is not getting proper treatment and, therefore, he has sought relief of Euthanasia. Earlier also, the petitioner made similar grievance before the learned Single Judge in Bail Application No.1851 of 2015. By an order dated 31st March, 2016, the learned Single Judge directed the Superintendent of Thane Prison to send the petitioner for his dental treatment to the Dental Surgeon.

2. On the last date of hearing, we directed learned APP to take instructions and make submissions. Mr. Saste, learned APP has placed a compliance report of the Chief Medical Officer, Mumbai Central Prison, Mumbai dated 18th June, 2019, on record. It is stated in the said report that the petitioner is provided with necessary medication in the Prison Hospital and he was also referred to higher center for his further investigation and

management, but sometimes due to non-availability of police escort, he could not be sent. It is further mentioned in the report that on 15th June, 2019, the petitioner was referred to St. George Hospital for his dental treatment but he refused to go to the hospital on the ground of late police escort. Mr. Saste, learned APP assures us that, if necessary, the petitioner would be given proper assistance either in the Prison Hospital or another Government Hospital and in respect of serious illness, non-availability of escort will not be put forth as an excuse. The statement of Mr. Saste is accepted as an undertaking.

So far as the petitioner's prayer for Euthanasia is concerned, it cannot be granted. Rest of the grievance of the petitioner is taken care of and, accordingly, this petition is disposed off.

3. The Registry is directed to communicate this order to the petitioner.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]