

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 916 OF 2019
IN
CRIMINAL APPEAL NO. 30 OF 2017

Manu @ Mohinder Madhuresh ... Applicant.
Vivekranjan Abrol.

V/s.

State of Maharashtra. ... Respondent.

Mr. Vivek Ranjan Abrol, father of the applicant present in Court.
Ms. PP. Shinde, APP for State.

Pallavi M.
Wargaonkar
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Pallavi M.
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**CORAM : SMT. SADHANA S. JADHAV &
N.J. JAMADAR, JJ.**

DATE : OCTOBER 27, 2020.

PC.

1 Heard Mr. Vivek Ranjan Abrol, father of the applicant and
the learned APP for State.

2 By an order dated 22/10/2020, we had directed the
Superintendent, Yerwada Central Prison to take the applicant to Dr.
Sandeep S. Agarwal, of Atharv Hospital, Shivajinagar, Pune for
clinical examination on 26/10/2020 between 11.00 a.m. to 3.00 p.m.
as a certificate issued by Dr. Sandeep S. Agarwal was tendered before
the Court to the effect that the first step was to examine the patient

and thereafter, decide the course of treatment post clinical examination.

3 Today, a report is tendered by the learned APP. The Senior Jailor has reported that pursuant to the order passed by this Court on 22/10/2020, the applicant was taken to the hospital of Dr. Sandeep S. Agarwal for examination. A copy of the communication addressed by Dr. Sandeep S. Agarwal to the Superintendent, Yerwada Central Prison dated 26/10/2020 is annexed to the report.

4 The report of the Senior Jailor, Yerwada Central Prison, Pune alongwith communication of Dr. Sandeep Agarwal of Atharv Hospital are taken on record and marked as Article "X".

5 A perusal of the said communication reveals that the applicant is suffering from Grade-II Haemorrhoids. The patient is required to undergo surgery (haemorrhoidolysis), in which his haemorrhoid tissue will be lysed by using the BEIM Rx machine. It is further mentioned that the procedure would be performed under saddle/spinal anaesthesia after the patient's fitness is certified by Physician. The patient would admitted in the hospital on the day of

surgery and discharged the following day. Dr. Agarwal has also adverted the necessity of post operative care lasting for 15 to 20 days.

6 In the light of the aforesaid communication, it is evident that the applicant is suffering from Grade II Haemorrhoid, which requires surgical intervention. Dr. Agarwal has specifically mentioned that the period of hospitalisation required for the surgery may not be more than two days. Special emphasis is laid on post operative care. Dr. Agarwal has in terms mentioned that the patient ought to undergo surgery only if he is able to follow precautions for 15 to 20 days post surgery. In an earlier communication, Dr. Agarwal had adverted to the necessity of tests prior to surgery.

7 In the aforesaid backdrop, to provide ample time for tests prior to surgery and to take care of possibility of any unforeseen eventuality and also to provide a sufficient post operative care in the hospital itself, we are inclined to direct that the applicant be admitted in Atharv Hospital for surgery on 28th October, 2020 and after operation and post operative care, the applicant be taken back to Central Prison, Yerwada, in any event, by 6 p.m. on 3/11/2020.

8 After discharge from the hospital, the prison Authorities are directed to provide necessary facilities for post operative care of the applicant for a period of 15 to 20 days. If possible, the applicant be kept in an isolation room. The Medical Officer attached to the prison shall render necessary assistance in providing post-operative care to the applicant.

9 The applicant shall bear the expenses of the medical treatment.

10 The applicant be taken to Atharv Hospital in proper custody. Necessary security at Atharv Hospital be provided by Shivajinagar Police Station. The State shall not insist for the payment for any escort or security charges.

11 The application stands disposed of in the above terms.

12 This order will be digitally signed by the Private Secretary of this Court. All concerned will act on a digitally signed copy of this order.

(N.J. JAMADAR, J)

(SMT. SADHANA S. JADHAV, J)