

\$~20

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 1426/2020

RAIS KHAN

..... Petitioner

Through Mr. Kamran Malik, Advocate for Dr.
R.K. Gupta.

versus

STATE OF NCT OF DELHI

..... Respondent

Through Mr.Amit Chadha, APP for State.
SI Amit Kumar, Special Cell/NDR.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **24.08.2020**

The hearing has been conducted through video conferencing.

1. Present petition was filed under Section 439 Cr.P.C. r/w Section 482 Cr. P.C. in FIR No. 117/2019, registered at Police Station Special Cell (S.B) for the offence punishable under Section 21/25/29 of NDPS Act.
2. The said petition was filed on the ground that wife of the petitioner was suffering from lower back pain, numbness in both the legs, disc bulge seen at L4- L5 level and she is under treatment of Dr R K Gupta of Indolife Hospital at Sector 116, NOIDA (U.P). As per the petitioner, his wife was completely bed ridden and doctor had advised her surgery and for that purpose she was to be admitted in hospital on 15.06.2020 to keep her under observation so that she could be operated soon. In the said circumstance, the presence of the petitioner was necessary for psychological and moral support and also for arranging the funds for operation and to look after the two minor children in

the absence of the wife of the petitioner.

3. The matter was taken up on 07.07.2020 and learned counsel for the petitioner had informed this Court, that wife of petitioner was admitted on 06.07.2020 at Chayan Hospital, A-6, Bijwasan Rd, Deenpur, Najafgarh, New Delhi-110043 for surgery and that wife of the petitioner is staying with her brother at New Brij Puri, New Delhi-110051. Accordingly, learned APP for State sought permission to verify whether the said hospital has operation facilities and counsel for the petitioner was directed to furnish the documents to learned APP before the next date of hearing.

4. It is important to mention here that in the status report dated 29.06.2020, it is stated that Constable Suresh Kok of Special Cell/New Delhi Range, visited the said hospital and found that the said hospital is built up in a residential house and is under renovation and there was nothing to suggest that the hospital was sealed as the labour was found working in the premises. Few photographs from outside and inside of the said premises were taken. On further verification nothing was found i.e. medical equipments, medical machines, para-medical staff and back-up arrangement, which are required for running a full-fledged hospital. On further asking, Dr. R.K. Gupta stated over the phone that since the hospital was sealed because of Corona, the medical equipments have been taken away from the hospital.

5. On 10.07.2020, in view of the status report dated 09.07.2020, IO was directed to ensure the presence of Dr. R.K. Gupta through video conferencing on the next date of hearing. Meanwhile, Dr. R.K. Gupta was directed to place on record his Delhi Medical Council enrolment number and certificate. Thereafter, on 17.07.2020, counsel for the petitioner sought permission to withdraw the present petition and the same was dismissed as withdrawn.

Dr.R.K Gupta did not appear through video conferencing and learned APP on instructions from the IO informed the Court that the information regarding the directions passed by this Court had been duly conveyed, however, Dr. Gupta informed about his admission at Aradhya Trauma Centre and Multi-speciality Hospital, Near Chharra Bus Stand, GT Road, Aligarh, due to ill health. Accordingly, Dr. Gupta was again directed to appear in Court through video conferencing on the next date of hearing.

6. Thereafter, the matter was taken up on 30.07.2020 and on the said date, Mr. Kamran Malik, learned counsel appeared on behalf of Dr. R.K. Gupta and submitted that in the medical prescription slip issued to the wife of the petitioner, he inadvertently used his old stamp, wherein registration number 12581/2003 is mentioned which was allotted during his internship period, but his enrolment number is 39106 dated 22.07.2008 and this fact can be verified from the Medical Council of India.

7. It is pertinent to mention here that as per the status report, the earlier number i.e. 12581/2003 has been verified from MCI and they reported that Dr.R.K. Gupta is not registered under said number. Accordingly, IO of the case was directed to verify whether Dr.R.K. Gupta is registered as a doctor vide registration no.39106 dated 22.07.2008 with Medical Council of India.

8. It is further pertinent to mention here that vide order dated 30.07.2020, Dr. Gupta was directed to send copy of his registration certificate issued by Medical Council of India to the IO during the course of the day. Dr. Gupta shall also provide his residential address as well as mobile phone number to the IO/SHO concerned and shall keep his location on during this period.

9. Vide order dated 30.07.2020, this court passed order as under:

“The hearing has been conducted through video conferencing.

1. Vide order dated 10.07.2020, IO was directed to ensure the presence of Dr.R.K. Gupta through video conferencing on the next date of hearing i.e. 15.07.2020.

2. In the meanwhile, Dr.R.K. Gupta was directed to place on record his Delhi Medical Council enrolment number and certificate. On 15.07.2020, this Court was on leave and the matter was posted for 17.07.2020. On the said date, Dr.R.K. Gupta did not appear through video conferencing and learned APP on instructions from the IO informed the Court that the information regarding the directions passed by this Court had been conveyed to Dr.Gupta, however, he informed about his admission in Aradhya Trauma Centre and Multi-speciality Hospital, Near Chharra Bus Stand, GT Road, Aligarh, due to ill health. Accordingly, Dr. Gupta was again directed to appear in Court through video conferencing on the next date of hearing, i.e. today itself.

3. Mr.Kamran Malik, learned counsel appearing on behalf of Dr.R.K. Gupta submits that in the medical prescription slip issued to the petitioner, he inadvertently used his old stamp wherein registration number 12581/2003 is mentioned which was allotted during his internship period, but his enrolment number is 39106 dated 22.07.2008 and this fact can be verified from the Medical Council of India.

4. As per the status report, learned APP has informed that the earlier number i.e. 12581/2003 has been verified from MCI and they reported that Dr.R.K. Gupta is not registered with said number.

5. Since Mr.Kamran Malik has been appearing on behalf of Dr.Gupta, I hereby direct the IO of the case to verify whether Dr.R.K. Gupta is registered as a doctor vide registration no.39106 dated 22.07.2008 with Medical Council of India.

6. To this effect, report be filed before the next date of hearing.

7. Renotify on 24.08.2020.

8. Till then, appearance of Dr.Gupta is dispensed with.

9. Dr.Gupta is directed to send copy of his registration certificate issued by Medical Council of India to the IO during the course of the day. Dr.Gupta shall also provide his residential address as well as mobile phone number to the IO/SHO concerned and shall keep his location on during this period.

10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.”

10. In the status report filed by Inspector Ravinder Joshi, Special Cell, New Delhi Range, Delhi Police, whereby stated as under:

“1. In continuation with previous status report & direction passed by this Hon’ble Court vide order dated 30.07.2020, it is further submitted that Dr.R.K. Gupta was telephonically contacted over mobile number 8595571139 and directed to comply with the direction passed by this Hon’ble Court vide order dated 30.07.2020.

2. He was also directed to provide his correct & rectified medical registration number, and other particulars such as name & parentage. Accordingly, he provided his new registration number as 39106 and particulars as RAM KRISHN GUPTA s/o RADHE SHYAM GUPTA.

3. As per the direction of this Hon’ble Court, letters were sent to Medical Council of India & Delhi Medical Council to verify the veracity of rectified registration number 39106, informed by Dr.R K Gupta.

4. In the reply by Medical Council of India vide letter no.MCI-207(1) (Gen)/2020-IMR/113836 dated 11.08.2020, it was informed that no details of registration of so called Dr.Ram Krishn Gupta having registration

number 39106 has been found registered with them. The letter of MCI is enclosed as Annexure-A.

*5. In the reply by Delhi Medical Council vide letter no.DMC/Regn/F. 13(B)/2/2020/291237 dated 07.08.2020, it was informed that on the basis of available record in their office, **Dr.Ram Krishn Gupta, S/o Shri Ramendra Gupta, R/o 122, Labhapura Tirana, Naharwali Mata Road, Naka Chandra Vadni, Lashkar, Gwalior**, was found registered with them vide registration number 39106 dated 22.07.2008 with MBBS & MS (General Surgery) from Jiwaji University, Gwalior and the registration no.39106 was expired on 21.07.2013. The letter of MCI is enclosed as Annexure-B.*

6. It is pertinent to mention herein that there were discrepancies in the submissions of Dr.RK Gupta and reply provided by Delhi Medical Council. Since, particulars of registration number 39106 supplied by Delhi Medical Council did not tally with the information shared by Dr.RK Gupta, as there is variation of father's name and master's degree discipline.

7. It is also submitted that the direction passed by this Hon'ble Court to Dr.RK Gupta, vide order dated 30.07.2020, to supply copy of his registration certificate issued by MCI, residential address & mobile number has not been complied by him yet.

8. Dr.RK Gupta was also contacted several times over his mobile number 8595571139, not only by whatsapp but also by voice calls, to comply by the direction dated 30.07.2020, but he took various excuses such as "extremely busy at the moment", "will call you", "providing you shortly" and he never provided any detail except his address and that too provided at the eleventh hour.

9. A notice dated 20.08.2020 was also sent to address (Flat no.116, Dreamland Apartment, Sector-1A, Dwarka, New

Delhi) provided by him but same was returned unexecuted with the remarks that no Dr. RK Gupta resides there and the occupant of Flat no.116 has been residing there since 2001”

11. In view of above report, it is established that enrolment number 39106/2008, was registered in the name of Dr. Ram Krishan Gupta, S/o Shri Ramendra Gupta of Gwalior whereas, name of petitioner is Ram Krishan Gupta, S/o Radhye Shyam Gupta, since 2008 which expired on 21.07.2013.

12. It seems that Mr. R.K. Gupta is not a registered doctor which fact has been verified from Delhi Medical Council and Medical Council of India, therefore, I hereby direct Inspector Ravinder Joshi, Special Cell, New Delhi Range, Delhi Police, to register a case against the said R.K. Gupta as per law and investigate the matter and file a report accordingly.

13. Accordingly, no further order is required to be passed.

14. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

SURESH KUMAR KAIT, J

AUGUST 24, 2020/ab