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

+ **W.P.(CRL.) 1478/2020 & CRL. M.A. No. 12858/2020**

DEEPAK VIRENDRA KOCHHAR

..... Petitioner

Through : Mr. Vijay Aggarwal, Mr.
Deepanshu Choithani, Mr.
Shailesh Pandey, Ms. Barkha
Rastogi and Mr. Anshul
Aggarwal, Advocates.

versus

DIRECTORATE OF ENFORCEMENT

..... Respondent

Through : Mr. Amit Mahajan, CGSC and
Ms. Mallika Hiremath for the
ED.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **17.09.2020**

This matter has been received by way of supplementary listing.

CRL. M.A. No. 12858/2020 (for exemption)

Exemption allowed, subject to just exceptions.

The application stands disposed of.

W.P. (CRL.) No. 1478/2020

The petitioner, who is an accused in case ECIR No. ECIR/02/HIU/2019 dated 31.01.2019 registered under sections 420/120B IPC and sections 7/13(2)/13(1)(d) of the Prevention of Corruption Act, 1988 at PS : Headquarter Investigative Unit(HIU), HQ, Delhi, and is

presently admitted to the National Cancer Institute (NCI) Jhajjar, Haryana seeks a direction to transfer the petitioner to Medanta Hospital, Gurugram or to Max Hospital, New Delhi or Sir Ganga Ram Hospital, New Delhi since he has tested Covid+ and wishes to be treated at one of the said medical facilities.

2. Mr. Vijay Aggarwal, learned counsel appearing for the petitioner submits that though the petitioner was arrested in Mumbai, the respondent/ED brought the petitioner to Delhi; whereupon, he was found to be Covid+ and was admitted to AIIMS, New Delhi and was then referred to NIC, Jhajjar, Haryana. The petitioner now wishes to be transferred to one of the hospitals mentioned above for better treatment.

3. Mr. Amit Mahajan, learned CGSC has appeared on behalf of the respondent/ED on advance copy; and submits that the petitioner is in judicial custody of the learned Additional Sessions Judge (ASJ)/ Special Judge, Mumbai, as is evident from order dated 14.09.2020, whereby the petitioner's custody was surrendered back by the ED to the court once the petitioner went under treatment at a hospital. It is submitted that the petitioner has since been taken into judicial custody by the Mumbai court during the period of treatment.

4. After making some submissions, and in view of the fact that the petitioner is presently in judicial custody under orders of the learned ASJ/Special Judge, Mumbai, Mr. Vijay Aggarwal wishes to withdraw the present petition with liberty to approach the learned ASJ/Special Judge, Mumbai for seeking relief.

5. For the record, Mr. Mahajan has very fairly stated that he does not oppose the transfer of the petitioner to a medical facility of his choice, considering the medical state of the petitioner, under orders of a court of competent jurisdiction.
6. Accordingly, the writ petition is dismissed as withdrawn, with liberty as aforesaid.
7. Other pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J.

SEPTEMBER 17, 2020

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