

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.17 OF 2021
IN APEAL/921/2018

SADIK S/O SHABASH SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

Mr.M.A.Shaikh-Jahagirdar, Advocate for the applicant.
Mr.S.D.Ghayal, APP for State.

(CORAM : RAVINDRA V. GHUGE AND
B.U.DEBADWAR, JJ.)

DATE : MARCH 3, 2021

PER COURT :

1. By our order dated 05/02/2021, we had called for a medical report as regards the health status of the applicant. The order reads as under :-

“1. The learned Advocate for the applicant/appellant submits that his appeal challenging his conviction under Section 302 of the IPC and the sentence of rigorous imprisonment for life to end till his natural life, has been admitted by this Court on 06.12.2018. His first criminal application No.3441 of 2018 for seeking suspension of substantive sentence and for being enlarged on bail, has been rejected by a reasoned order dated 04.01.2019. He submits that the present application is purely on the ground of the convict having suffered paralysis and is in the Yerwada Central Prison at Pune. A prayer for medical treatment in a private hospital is putforth.

2. In view of the above, we call upon the learned prosecutor to see a medical report from the Superintendent of Jail, Yerwada

Central Prison, Pune. We expect the report to be placed before us on 25.02.2021.

3. Stand over to 25.02.2021.”

2. The learned prosecutor has placed before us a copy of the communication dated 26/02/2021 received from the Additional Senior Prison Officer, Legal Department, Yerwada Central Prison. Annexed to the same is a medical report dated 26/02/2021 issued by the Chief Medical Officer, Yerwada Central Prison. We have taken the said documents (2 pages) on record and marked as “X” collectively for identification.

3. We have considered the submissions of the learned Advocate for the applicant and the learned Prosecutor.

4. The medical report indicates that when the applicant was lodged in the Yerwada Central Prison, he had arrived with a medical history of hypertension and left side paralysis. He has an operative scar on his right hand. He has been regularly treated for hypertension, left side paralysis and itching over his body. Presently, he has free bodily movements, is able to walk independently and his systemic examination reveals that all vital parameters are within normal limits. Presently, he does not have any symptoms relating to hypertension or paralysis. He has been extended treatment and facilities available in the Sasoon General Hospital, Pune.

His physical condition is stable.

5. In view of the above, this application, being devoid of merit, is therefore, rejected.

(B.U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)