

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 3113 OF 2021
IN
CRIMINAL APPLICATION NO. 380 OF 2019**

Parumeeta Vijjan Chakravarti

..Applicant

Vs.

State of Maharashtra and Anr.

..Respondents

Mr. Mubin Solkar a/w. Mr. Aamir F. Sopariwala, for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent/ State.

Mr. R. A. Shaikh i/b. Mr. M. N. Panjwani, for the Respondent No.2.

CORAM : C.V. BHADANG, J.

DATE : 17 DECEMBER 2021

P.C.

. This is an Application for extension of period to surrender. The period which has been granted by the order dated 6 December 2021 expires somewhere at the end of this week. According to the learned counsel for the Applicant, as per order dated 6 December 2021, the Applicant will have to surrender by Monday i.e. 20 December 2021.

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2. The extension is sought on the medical ground. The Applicant has produced several medical reports of investigation dating back to the year 2019.

3. I have heard learned counsel for the Applicant and the learned APP as well as learned counsel appearing for the Respondent – Complainant.

4. The medical reports produced on record show that the Applicant is suffering from high cholesterol levels with diabetes and an issue about lumbosacral spine. It appears that the Applicant is suffering from these ailments at least from the year 2019 for which period the investigation reports are filed.

5. The learned counsel for the Applicant, on instructions, stated that the four weeks time be granted after which the Applicant shall not seek further extension.

6. The learned counsel for the Respondent – Complainant pointed out that in connected Criminal Application, the Applicant has undertaken to surrender on or before 29 December 2021 and an undertaking to that effect is filed before this Court. He submitted that such undertaking is filed by the Applicant knowing and being

aware of the medical condition and therefore, there is no change in circumstances to grant such extension.

7. I have carefully considered the submissions made. As noticed earlier, the medical condition of the Applicant as claimed on the basis of the investigation reports, is there at least from the year 2019 and cannot be said to have arisen after the order dated 6 December 2021 was passed. Although, according to the learned counsel for the Applicant, there is a certain spike in the sugar levels of the Applicant, it is also necessary to note that in the connected Application, the Applicant has filed an undertaking to surrender on or before 29 December 2021. In such circumstances, in my considered view at the highest, the extension can be granted upto 29 December 2021. Ordered accordingly. It is made clear that if the Applicant after surrender applies to the Magistrate for medical treatment including that of the Doctor / hospital where she is presently being treated, the Magistrate shall consider such Application sympathetically and on its own merits and shall ensure that the Applicant gets proper medical aid as may be necessary. The Interim Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.