

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1534 OF 2022

IN

WRIT PETITION NO. 949 OF 2022

Dheeraj Wadhwan

Applicant /
.. Petitioner

Versus

Central Bureau of Investigation & Anr.

.. Respondents

.....

- Mr. Abad Ponda, Senior Advocate a/w Ms. Janaki Garde i/by Rashmikant and Partners for the Applicant / Petitioner
- Ms. P.P. Shinde, APP for the State

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 20, 2022
(Vacation Court)

P.C.:

- 1.** Perused the order dated 17.05.2022.
- 2.** Ms. Shinde, learned APP has placed on record medical report dated 19.05.2022. The medical report is pertaining to the applicant as per order dated 08.04.2022. Paragraph 10 of the medical report relates to the present health status of the applicant and reads as under:-

"10) Present Health Status:- At present all vitals of the said prisoner are normal. And prisoner is kept in prison hospital under care of Chief Medical Officer. The prisoner was referred to Sir J.J. Group of Hospital, Mumbai on 16.05.2022 for his regular post operative follow up in Chest & TB, ENT and Urology Dept. The prisoner has been advised to continue the same medications advised by Kokilaben Hairbrush Ambani Hospital.

The prisoner has been advised USG KUB on 20.05.2022 by Urology Dept Sir J.J. Group of Hospital, Mumbai."

3. It is seen that the applicant was taken to Sir J.J. Hospital on 16.05.2022 and 20.05.2022 i.e. today for follow-ups. The interim application filed by the applicant is specific. It states that the applicant has undergone surgery in Kokilaben Dhirubhai Ambani Hospital on 22.04.2022 and discharged on 06.05.2022. The discharge summary report of the hospital is at Exhibit "B" (page Nos. 60 to 64) of the application. In the said discharge summary report, three follow-ups pursuant to the surgery and hospitalization of the applicant have been stated namely ENT follow-up after 10 days, cardiology follow-up after 15 days and urology follow-up after 15 days.

4. Mr. Ponda, learned senior Advocate appearing for the applicant submits that the order dated 08.04.2022, operative part of which is stated in my order dated 17.05.2022 refers to the ailment of the applicant and in the light of these circumstances this court permitted the applicant to undergo surgery at the said hospital. The order dated 08.04.2022 is a detailed order, *inter alia*, permitting the applicant to undergo surgery and hospitalization at the said hospital. Hence while considering the said order and the discharge summary report referred to above, it would be appropriate to grant the limited plea of the applicant to be taken to the said hospital for the purpose of follow-ups. However, it is made clear that only a singular visit shall be allowed to the applicant to visit the said hospital for the aforementioned three follow-ups, *inter alia*, pertaining to ENT, cardiology and urology as

stated in the discharge summary report which shall be done in one single day.

5. Mr. Ponda after taking instructions in the Court submits that appointment of Dr. Sanjiv Badhwar / any other doctor available if Dr. Badhwar is unavailable shall be taken for 24.05.2022 with respect to the aforementioned follow-ups as stated in the discharge summary report.

6. The applicant is permitted to undertake the visit to Kokilaben Dhirubhai Ambani Hospital on 24.05.2022 between 11.00 a.m. and 04.00 p.m. for the follow-ups as stated above. The applicant shall be brought back and lodged in the prison after the follow-ups are over on the same day by 05.00 p.m.

7. The applicant shall on 23.04.2022 convey to the Jail Authorities the confirmation of the appointment with the doctor for these follow-ups to enable the Jail Authorities to take the applicant to the hospital.

8. The applicant shall deposit the necessary escort charges with the authorities and submit receipt of the same to the Jail Authorities on 23.05.2022.

9. The applicant has made a grievance that in respect of the Uroflowmetry to be carried out every two weeks. The report filed by the learned APP in clause No. 9 refers to Uroflowmetry on the applicant every two weeks to be undertaken by the Chief Medical Officer in consultation with the Urology department of Sir J.J.

Hospital, Mumbai. In fact the last line of the report specifically states that the applicant has been advised USG KUB on 20.05.2022 i.e. today by the Urology Department of Sir J.J. Group of Hospital, Mumbai.

10. In view of the above directions, Interim Application No. 1534 of 2022 stands disposed of.

11. Liberty to apply before the regular Court.

[MILIND N. JADHAV, J.]

Digitally
signed by
RAVINDRA
MOHAN
AMBERKAR
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