

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 807 OF 2024

Sagar Maruti Suryawanshi .. Petitioner

Versus

The State Of Maharashtra And Anr. .. Respondents

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Mr. Ajay Bhise a/w Ms. Deepali Kedar, for the Petitioner.

Mr. Ajay Patil, A.P.P. for the State/Respondent.

Mr. H. S. Venegavkar a/w Mr. Aayush Kedia, for the Respondent No.2-ED.

Mr. R. S. Jadhav, S. Jailor, is present.

Mr. V. P. Salave, P.C., Chinchwad Police Station, is present.

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CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 14th JUNE, 2024

P.C:-

1. The present Writ Petition is filed by the Petitioner, presently lodged in Mumbai Central Prison, facing accusation in C.R. No. 301 of 2023, registered with Chinchwad Police Station, for the offence punishable under Sections 406, 420 of the Indian Penal Code and also an ECIR/MBZO-II/10/2021 at the hands of Directorate of Enforcement, Mumbai Zonal Office-2, Mumbai. The prayer in the present Writ Petition is for issuance of direction to the Respondents to implement the order dated 21.12.2023 passed by the Judicial Magistrate

First Class, Pimpri, Pune, when he filed an Application to admit him in Sparsh Hospital. Another relief sought in the Petition is of quashing and setting aside the order passed by the Special Court, PMLA Greater Mumbai, on 26.12.2023 refusing to shift the Petitioner in a private hospital, in light of the order passed by the Magistrate on 21.12.2023.

In short what the Petitioner seek is that he shall be forwarded to Sparsh Hospital with all the paraphernalia arranged for by the order of the Magistrate, and his family members and lawyer shall be permitted to visit him in the hospital, with a specific direction of one them will be allowed to stay with the Petitioner.

2. Upon the present Petition being filed, the Division Bench on 12.04.2024 accepted the statement coming from the prosecution that the Petitioner would be examined by the Medical Board of J. J. Hospital, Mumbai, and accordingly he was medically examined on 25.04.2024 and the copy of the medical report was taken on record, by marking the same as 'A' for identification.

3. We have perused the report which is submitted under the signature of the Board constituted by the Grant Medical College and Sir. J. J. Group of Hospital including a ENT Specialist, Associate Professor Surgery and Professor of Medicine. On the Petitioner being examined on 25.04.2024, and taking into account his medical history and after examining him clinically and a detail evaluation of his past medical reports and previous hospitalization, the report

specifically reads to the following effect –

“It was noted that Sagar Suryavanshi was a known case of diabetes mellitus, hypertension, anaemia with lumber spondylosis and had recent and past hospitalization for these issues at Sassoon Hospital, JJ Hospital and a private hospital.

The committee has come to a conclusion that :

- 1. The accused can be provided with orthopaedic mattress for sleeping and a chair.*
- 2. As he is a case of diabetes and hypertension it is advisable for the jail to provide salt restricted and diabetic diet and if the jail authorities are unable to provide, he can be permitted to arrange for the same.*
- 3. He is directed to follow up in JJH OPDs for medical investigations in view of some of his persistent symptoms.”*

4. Upon perusal of the report, on 09.05.2024, the Division Bench directed the Writ Petition to be placed for consideration on 14.06.2024 but directed the Respondents to abide by the recommendations of the Medical Board in its report dated 26.04.2024.

5. Claiming that there was no adherence to these recommendations, the Vacation Bench was moved on 15.05.2024, with a complaint that the facilities were not provided and the learned P.P. placed on record a letter dated 15.05.2024, before the Court stating that the Petitioner is

provided with the orthopedic mattress, plastic chair and diabetic food with salt restrictions.

6. Today, Mr. Bhise make a grievance that the Petitioner suffered from severe illness, and the order of the Magistrate must be implemented.

We have perused the necessary papers which are annexed alongwith the Petition as giving the past history and it is seen that when he was taken to J.J. Group of Hospitals, on 10.07.2023, he had complained of chest pain and had history of iron deficiency.

It is worth to note that the report which is furnished on 26.04.2024, the Board has categorically stated that the same is prepared after perusing the past history of the patient and on clinically examining him. From the report is obvious that the necessary papers must have been looked into by the Board.

At present according to the Board the only concern expressed is about he being a diabetic and hyper tension patient and authorities are directed to provide salt restricted diet and for dealing with his lumbar spondylosis, it is directed that an orthopedic mattress for sleeping and a chair which would offer some solace to him, shall be provided, and since it is already recorded that this arrangement has been made, we see no reason why the Petitioner should make any grievance.

7. In any case, since Mr. Bhise make a grievance that the mattress which is provided is not up to the mark, we deem it appropriate to direct the Jail Superintendent to permit him to bring his own orthopedic mattress.

Needless to state that the directions in the report that the patient shall be taken up for follow up in J.J. Hospital, in view of some of his persistent symptoms, which must be strictly monitored.

8. Though it is the submission of Mr. Bhise that the medical examination that was undertaken by the Board is perfunctory in nature, in the wake of the detail report, stating that he was clinically examined and even the past history of hospitalization was perused, we find no merit in the said contention.

If it is advisable that a cot shall be provided to the Petitioner, prison authority shall consider his request sympathetically.

9. The Writ Petition stand disposed off.

(MANJUSHA DESHPANDE,J.)

(BHARATI DANGRE, J.)