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

+ **W.P.(CRL) 101/2024**

AMITABH SAXENA

..... Petitioner

Through: Mr. Ramakant Gaur, Advocate with
Ms. Sneha Arya, Ms. Harshi Gaur, Ms. Divya and
Ms. Meenakshi and Ms. Roopini, Advocates

versus

STATE OF NCT OF DELHI

..... Respondents

Through: Mr. Amol Sinha, ASC (Crl.) for State
with Mr. Kshitiz Garg, Mr. Ashvini Kumar and
Ms. Chavi Lazarus, Advocates along with Insp.
Shiv Dev, IFSO/Spl. Cell.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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09.01.2024

CRL.M.A. 852/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This petition has been filed on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India read with Section 482 Cr.P.C. seeking expeditious disposal of the application filed by the Petitioner in Cr. Case No. 16262/2018 before the Trial Court, seeking permission to go abroad for medical treatment.
4. As per the averments in the petition, in February, 2023, Petitioner was diagnosed with Acute Myeloid Leukaemia (AML) with complex Karyotype



and is stated to be undergoing treatment in the Department of Oncology, Manipal Hospital. It is stated that despite receiving chemotherapy, blood transfusion etc., health of the Petitioner is continuously deteriorating leaving no other option but to undergo a bone marrow transplant, as advised by the Doctors. It is further stated that the Oncology Department at Sheba Global Hospital in Israel is a leading hospital which conducts Leukaemia research and is willing to undertake the procedure for bone marrow transplant for the Petitioner. Recent reports of the Petitioner show presence of 70% blast cells indicating that the chemotherapy cycles have lost effectiveness and therefore, in the hope of getting a successful treatment as a last resort, Petitioner filed an application before the learned Trial Court on 02.01.2024, seeking permission to travel to Israel for six months to undergo the necessary treatment. Petitioner has also enclosed the invite from the hospital in Israel.

5. Learned counsel for the Petitioner submits that the application was listed for consideration on 03.01.2024 and was adjourned to 06.01.2024, on which date it was stated on behalf of the State that the medical documents could not be verified and thus consideration of the application has been adjourned to 18.01.2024. It is submitted that with each passing day, the health condition of the Petitioner is deteriorating because in AML, the myeloid cells grow rapidly and abnormally causing a build-up of immature cells in the bone marrow and the blood, which can be fatal.

6. Issue notice.

7. Learned ASC accepts notice on behalf of the State and candidly submits that he has no objection to the present petition being allowed directing expeditious disposal of the application filed by the Petitioner



before the learned Trial Court seeking permission to travel abroad for medical treatment.

8. Having heard the learned counsel for the Petitioner, this Court is of the view that the application needs urgent consideration and therefore, the Trial Court is requested to take up the application filed by the Petitioner, seeking permission to travel to Israel for consideration on 12.01.2024. Counsel for the Petitioner undertakes to file the complete itinerary and the dates of travel by way of an affidavit by 10.01.2024. State shall file the verification/status report on or before 12.01.2024. If due to paucity of time, the status report cannot be filed, the same may be brought to Court on 12.01.2024, so that there is no adjournment on this ground.

9. It is made clear that this Court is only directing expeditious disposal of the application and not expressing any opinion on the merits of the application including the authenticity of the medical documents etc. which is for the State to verify. It is open to the Trial Court to decide the application on its own merits.

10. Petition is disposed of with the aforesaid directions.

JYOTI SINGH, J

JANUARY 09, 2024/akc/shivam