



\$~80

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 682/2026**
DIWAKAR GUPTA ALIAS DIVAKAR GUPTAPetitioner
Through: **Mr. Nitesh Kumar, Adv.**

versus

STATE GOVT OF NCT OF DELHI & ORS.Respondents
Through: **Mr. Abhijeet Kumar, Adv. for Ms.**
Rupali Bandhopadhyaya, ASC for
State with SI Sonika Chaudhary,
PS.: Pandav Nagar.

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

%

16.03.2026

1. By virtue of the present petition under *Article 226* of the Constitution of India, the petitioner seeks issuance of a Writ of Mandamus directing the respondents to permit the petitioner to procure and consume prescribed medicines from outside the Jail strictly containing the same salt composition, dosage and quality as prescribed by the doctors of AIIMS Hospital along with ancillary reliefs.
2. Learned counsel for the petitioner submits that the petitioner has been suffering from chronic Ataxia since 2012, which has led to serious difficulties in speaking, walking, eating, and behavioural functioning, along with depression and symptoms of dementia, for which he has been under continuous treatment at the Department of Neurology, AIIMS since 2015. The petitioner also suffers from orthopaedic ailments and kidney stones and is undergoing regular treatment at the Departments of Orthopaedics and Nephrology, AIIMS respectively. Therefore considering



the serious and progressive nature of the petitioner's ailments, the treating Doctors at AIIMS Hospital have prescribed a specific quality of high-dosage medicines, however, despite such prescriptions, the petitioner is being provided substitute medicines in jail having inferior salt composition, which is causing continuous pain and imbalance to him.

3. *Per contra*, Mr. Abhijeet Kumar, Advocate appearing on behalf of Ms. Rupali Bandhopadhyaya, ASC for the State submits that this Court may pass necessary directions considering the Status Report filed on record.

4. Considering that the petitioner has been undergoing regular treatment from the various departments of AIIMS, pending advice of the concerned Doctors at AIIMS, this Court is of the view that the petitioner be permitted to procure medicines containing the same salt composition, dosage and quality as prescribed by the doctors at AIIMS from outside the Jail and consume the same.

5. Further, it is clarified that the aforesaid order shall be subject to any subsequent advice/ opinion/ prescription rendered by the Doctor/s.

6. Accordingly, the present petition is allowed and disposed of.

SAURABH BANERJEE, J.

MARCH 16, 2026/bh