

**.IA No.7/2023**  
**SC No.294/2022**  
**State vs. Saif Ali @ Sibbu**  
**FIR No. 443/2022**  
**PS: Bhajanpura**

**22.12.2023**

Present : Sh. Masood Ahmad, Ld. Addl. PP for the State.  
Sh. Vikas Sharma, Ld. Counsel for accused.  
Sh Ved Prakash, Superintendent of Central Jail no.13.

Earlier, the matter was fixed for 16.12.2023 and the counsel for this accused Saif Ali @ Sibbu had withdrawn the application for interim bail of this accused and submitted that this accused is required certain surgery but on the pretext of non obtaining of consent of the relative, the surgery of this accused is being delayed by the Jail Authority whereas the parents of this accused are always ready to give their consent, so, this court had recorded the joint statement of parents of this accused and also the statement of Sh. Vikas Sharma, Ld. counsel for this accused and Superintendent of Central Jail no. 13 Mandoli, Delhi was directed to contact with the parents of this accused Saif Ali @ Sibbu on the mobile phone as mentioned in the joint statement of the parents of this accused or on the mobile phone of counsel of this accused so that the parents of this accused may give their consent in writing for surgery of this accused Saif Ali @ Sibbu and may remain present in the concerned hospital at the time of surgery of this accused Saif Ali @ Sibbu.

This court had also sent the copy of the order dated 16.12.2023 to the Superintendent of Central Jail no.13, Mandoli, Delhi for compliance and he was directed to send further report regarding the health of this accused on 21.12.2023 and yesterday, this court had received the report of senior medical officer, Central Jail no.13, Mandoli wherein it was stated that this inmate was reviewed in the department of surgery, GTB Hospital

on dated 19.12.2023 and the treating doctor will be planned surgery after obtaining permission of the court/permission of parents/relative, so, the Superintendent of Central Jail no.13 was called upon as he did not contact with the parents of this accused for obtaining consent/permission as the report of the senior medical officer was sent by Deputy Superintendent of Central Jail no.13, Mandoli.

Today, Sh. Ved Prakash, Superintendent of Central Jail no.13 has appeared and this court has asked him as to why the parents of this accused were not contacted for obtaining consent/permission for surgery of this accused, then, he has submitted that he is having additional charge of Central Jail no.13 but he is posted in Jail no.14, Mandoli and he has also stated that he could not go through the order dated 16,.12.2023 passed by this court and Deputy Superintendent of the said jail no.13 did not produce the copy of the said order of this court.

Shri Vikas Sharma, Ld. Counsel for accused has submitted that this accused was taken to the GTB Hospital on 19.12.2023 by the police but no surgery was done as the police officials, who had taken this accused to GTB Hospital had told to the mother of this accused that there was no order for admission of this accused in the hospital for surgery. Ld. Counsel for accused has also submitted hat on 19.12.2023, the doctor of the GTB Hospital had also told to the police officials, who had taken this accused in the said hospital to admit this accused in the said hospital as this accused was in need of surgery but the said police officials did not admit him in the said hospital. So, in the given circumstances of Superintendent of Central Jail no.13 is directed to ensure that proper treatment to this accused is given in time and as the parents of this accused are present in the court, they have submitted that they are always ready to give permission for surgery of this accused and Superintendent of Central Jail no.13 has filed the report and

also told that this accused will be taken to the GTB Hospital on 29.12.2023 and then, he will be admitted and will be given the date of surgery, so, the Superintendent of Central Jail no.13 is directed to ensure that no hurdle comes in the surgery of this accused for want of consent as the parents of this accused are present in the court even today and they are always ready to give consent and it appears to the court that in view of the negligent conduct of the police officials who had taken this accused in the hospital on 19.12.2023 and lackadaisical approach of the officials of Central Jail no.13 the surgery of this accused has been delayed despite of the fact that the parents of this accused are always ready to give consent, so, in the given circumstances, the Superintendent of Central Jail no.13 is directed to apprise to the court regarding further treatment/surgery of this accused to this court on **03.01.2024**.

At this stage, Superintendent of Central Jail no.13 will seek the explanation from Sh. R.N.Meena, Deputy Superintendent of Central Jail no.13 for not apprising him about the order passed by this court dated 16.12.2023.

Dasti copies of this order be given to the parties. Same be sent to the Superintendent of Central Jail no.13 for supply to the accused.

**(PAWAN KUMAR MATTO)**  
**Addl. Sessions Judge (Special Judge NDPS)**  
**North East/KKD Courts/Delhi/22.12.2023**