

SESSIONS CASE NO.38 OF 2009 & OTHERS

ORDER BELOW EXH.696.

Heard Learned advocate Mr.Somnath Vats for the accused No.71.

(1) The present application has been tendered for not taking A-71 at U.N.Mehta Hospital on 09/01/2013 contending that it is professional misconduct of Dr.Patel of the Jail Dispensary.

(2) Yesterday, Learned advocate Mr.Vats has made oral submission to that effect, hence this Court has orally directed the Jail authority to bring the medical case papers of A-71 and to keep Dr. Patel to remain present and in alternative to keep present any responsible person from the Jail Dispensary.

Today, Dr.Patel is present before the Court alongwith the medical case papers of A-71.

(3) On verification of the papers and upon hearing Dr.Patel of Jail Dispensary, it seems that on 23/11/2012, A-71 was referred to U.N. Mehta Hospital for 2 D-Echo. Thereafter on 24/11/2012, on 06/12/2012 and on 21/12/2012, the Physician, Dr.Vaghela has suggested and recommended to obtain revocation for A-71 from the Home Department so as to enable the Jail Dispensary to complete and

carry out necessary medical tests of A-71.

On 07/01/2013, the accused went to the hospital as on that day, he was to send to Civil Hospital for 2 D-Echo which as seems was completed on 07/01/2013 itself. Thereafter to carry out sonography test at Civil Hospital, the date of 09/01/2013 was given.

On 21/12/2012, the Jail Physician Dr.Vaghela has suggested to arrange for camp of Cardiologist in the Jail premises and then on 09/01/2013 since Dr.S.C.Balak, the Radiologist of Civil Hospital came to the Jail Dispensary, the sonography of the accused was carried out hence it was not required to send the A-71 to Civil Hospital.

(4) In view of the foregoing records and say of Dr.Patel present before the Court, it appears that A-71 has been given all necessary treatment, but what remained is taking the blood test of the accused for which Dr.Patel states before the Court that the same would be carried out within two days and that it has so far not been carried out for the reasons that correspondence has been addressed to the Pathologist of the Civil Hospital to seek permission to receive the sample and to send to Civil Hospital for the test after adopting necessary formalities at the Jail Dispensary. Since the permission of the Civil Pathologist was not received by the Jail

Dispensary, the blood sample could not be procured. However, he assures of receiving such permission and that the only left out test of the blood sample also to be carried out within two days.

(5) Dr.Patel also draws attention of the Court that on 05/12/2012, sonography of the accused was done at the Jail Dispensary, the report of which was normal.

(6) The cumulative effect of what has been noted hereinabove is that, necessary and proper treatment has been given to the accused, but it seems that because of some misnotion or misunderstanding, the accused seems to have developed anxiety and a feeling that he is not being properly treated, but the conscience of the Court is satisfied for proper medical care to have been extended to the accused.

(7) Through this application, Dr.Patel has been alleged to have orally conveyed the accused which is unbecoming of the doctor more particularly while talking to the patient. For this limited purpose, more particularly, the dialogue written in the inverted commas at paragraph 4, Dr.Patel is hereby called upon to put up on record his say if any in writing, so as to enable this Court to decide the application finally. Dr.Patel is hereby directed to put up on record his say qua the

allegation at paragraph 4 on 17/01/2013. Further hearing of the application is now kept on 17/01/2013.

Yadi of this Order alongwith xerox copy of the application be sent to Jail Authority.

Dictated and pronounced in the open Court situated at Central Jail, Sabarmati, Ahmedabad today on this 10th day of January, 2013.

(Jyotsna Yagnik)
Designated Judge
Serial Bomb-Blast Cases
Ahmedabad.