

DRI vs Anil Kumar & ors.
SC NO. 7256/2016 (Old SC NO. 08A/11)

20.01.2017

Present: Ms. Mala Sharma, Ld. SPP for the DRI.

Accused Anil Kumar in JC with counsel Sh. Kamal J. S. Mann.

Accused Manu Khosla in JC with counsel Sh. Sourabh Luthra.

Accused Amit Kumar in JC with counsel Sh. Kuljeevan Siddharth.

Sh. Diwakar Joshi (PW-5) is present, further examined in chief. His further examination-in-chief is deferred for want of further case property.

Today, five trunks were brought from New Customs House by Sh. Sunil Kumar, Senior Intelligence Officer, and Sh. Hitesh Chawla, Intelligence Officer. The seal of one of the trunk Mark 9/39 were not visible. They have apprehension that the seal might have been tampered with. They informed the Court that few months back, a theft had taken place in New Customs House wherein the psychotropic substance "*Mephedrone*" was stolen from the sealed pullandas after breaking the seals and an FIR has been registered by the Crime Branch, Delhi Police in this regard.

:2:

The trunk Mark 9/39 when opened today in the Court in the presence of witness and counsels for the accused persons, it was found containing one blue colour polythene bag in which there was another transparent polythene bag containing white powdery substance part of which is powdery and part of which is in lumps. The witness (PW-5) has stated that this is not the case property which was sealed in the trunk no. 9/39.

DRI is directed to submit a report with regard to theft committed at New Customs house and obtain the copy of the FIR, which has been registered in this matter. DRI officials shall visit in New Customs House and report whether any other pullanda forming case property of this Court has been tampered with or not.

Matter be listed on 13.02.2017 and 14.02.2017 for prosecution evidence. Copy of this order be given dast to Ld. SPP for DRI.

Report from DGP Prison alongwith report of Superintendent, Central Jail NO. 8 & 9, Tihar have been received. Report of the Medical Officer, Central Jail no. 8 & 9, Tihar has been perused. UTP-Manu Khosla was taken for ENT Surgery at AIIMS

:3:

Hospital on 10.01.2017. However, he did not opt for the surgery there and he informed the ENT Doctor at AIIMS that he wants to get operated at different health care unit. Although, he was not operated but he has been prescribed medications which are being provided to him. It is also reported that with regard to complaint of Obstructive LUTS (lower urinary tract syndrome) also, he has been taken to Urology Department, AIIMS Hospital and he has been advised medications.

With regard to non-production of accused Manu Khosla at AIIMS on 25.10.2016 at 07:00am, an inquiry was conducted through Director General (Prison). Report has been received and perused. The reason for not producing the UTP-Manu Khosla at AIIMS Hospital was non-availability of the ambulance with DAP, 3rd Battalion, which was to be provided by the Superintendent, Central Jail, Tihar, Jail. Director General (Prison) has issued necessary directions to make required arrangement in this matter in future.

Accused Manu Khosla had moved an application for seeking second opinion about his medical condition from Dr. Sanjay Jain, ENT, Batra Hospital Medical Research Center, Tughlakabad Institutional Area. Notice of this application was given to Ld. SPP for DRI.

:4:

No reply to the application has been filed. However, Ld. SPP for DRI has submitted that there are number of other hospital and there is no reason why the UTP-Manu Khosla has chosen Batra Hospital for his second opinion.

Heard. I do not consider this argument very convincing to reject the prayer made by accused Manu Khosla. As per medical reports previously received, he is having a tumor and if he wants to satisfy himself about his ailment and for that he intends to second opinion, there is no harm in this. However, since Batra Hospital is a private hospital, **the expenses incurred in his examination will be borne by the accused Manu Khosla alongwith expenses in his transportation from Tihar Jail to Hospital and from Hospital to Tihar Jail. Accused Manu Khosla will deposit the expenses with Superintendent, Central Jail, Tihar, who thereafter, considering the Rules and Jail Manual will take the UTP-manu Khosla in custody to the Hospital on 25.01.2017 between 09:00am to 02:00pm for his examination with Doctor Sanjay Jain, MS ENT, Batra Hospital.**

:5:

Superintendent, Central Jail will be responsible for the safety and security of UTP-Manu Khosla. This permission is only for the OPD examination of accused and he will be brought back to the Tihar Jail after OPD examination. Prescription and medical examination report of UTP Manu Khosla shall be submitted to this Court. Copy of this order be sent to Superintendent, Central Jail, Tihar for compliance. Application stands disposed of

(A.K. Kuhar)
Special Judge (NDPS)
South District/20.01.2017