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IN THE COURT OF MCOCA SPECIAL JUDGE AT GREATER BOMBAY

(Exclusive Special Court constituted for the cases under
MCOCA/TADA/POTA AND OTHER SESSIONS CASES
against the accused-Rajendra Sadashiv Nikalje @ Chhota Rajan)

**ORDER BELOW EXH.49
IN
NIA SPECIAL CASE NO.1090 OF 2021
(CNR NO.MHCC02-011048-2021)**

Sunil Mane

...Applicant/accused

Versus

**NATIONAL INVESTIGATION AGENCY
(FIR RC-01/2021/NIA/MUM)**

.... Prosecution.

**CORAM : HIS HONOUR THE 1ST ADDITIONAL
PRINCIPAL JUDGE AND THE SPECIAL
JUDGE, MCOCA/ POTA/ NIA/ TADA
SHRI A.T. WANKHEDE.**

C.R.NO. : 57.

DATE : 15.11.2021.

Ld Adv. Mr. Hemant Ingale for the applicant/accused.
Ld SPP Mr. Gonsalvis for NIA/prosecution/respondent.

**ORDER
(DICTATED IN OPEN COURT)**

1. This application is filed by the applicant/accused no.5 to direct

the Superintendent, Talaja Jail to allow home cooked food to provide in jail and also, sleeping mattress.

2. It is submitted that the applicant/accused is middle aged person. He is already suffering from chronic joint pain with rheumatic disorder. He is also suffering from hypertension since long. Due to long term consumption of analgesics in the past, the applicant/accused suffers a weakend appetite and has been advised to have proper diet and food. The applicant/accused is unable to have proper diet and sleep owing to his incarceration in prison for want of facilities suitable to his health conditions. If his health is ignored, he may be exposed in deteriorating and eventually to diseases and health hazards. Hence, urged to allow the application.

3. On the application of the applicant/accused, report of the Superintendent of Talaja Jail is called. Twice by way of Exh.49-A and Exh.49-B, the Superintendent, Talaja Jail opposed for granting extension to provide home food to the applicant/accused. It is submitted that in the jail, the Diet Committee is formed and they are taking every precaution to provide balance and nutritious diet to the inmates. Necessary calories has been maintained.

4. Heard learned Ld Adv. Mr. Hemant Ingale for the applicant/accused and Ld. SPP Mr. Gonsalvis for NIA/prosecution.

5. The applicant/accused is asking for extension of order dated 12.08.2021 directing the Jail Authority to allow the applicant/accused to provide home cooked food for a period of three months and also sleeping mattress. From the Medical Papers placed on record by the

applicant/accused and even, from the submissions made in this application, it is impressed that he is suffering from rheumatic disorder and hypertension. In fact, no medical officer has directed/suggested to provide special diet to the applicant/accused. The Remand Court already directed to provide sleeping mattress which can take care of the problem of rheumatic disorder. The applicant/accused is provided home cooked food for the period of three months, now again, asking for extension of the same. Merely because, the applicant/accused is suffering from hypertension is no ground to continue to provide home food. The Superintendent of Jail in their report submitted that they are providing nutritious/balance diet to the Jail inmates. Rather, it is the duty of the Superintendent of Jail to provide the nutritious food to the Jail inmates. Not even that, the Jail inmates are also permitted to purchase the food items from the canteen upto limit of Rs.4,500/-. This will cater the need of the applicant/accused. There are so many inmates in the jail having complaint of hypertension and each and every one of them could not be allowed to have home food. It will create security problem as well as resentment to other inmates of the jail.

6. The Hon'ble Bombay High Court in the matter of **Asgar Yusuf Mukadam and others Vs. State of Maharashtra and another** reported in 2004(2) BOM C.R.(Cri) 515 held that,

“Suffice to observe that the petitioners are entitled to move before the concerned trial Court, and if such application is field, the concerned Court should pass an appropriate order in that regard considering the facts and circumstances of the case.”

7. In view of the aforesaid directions of the Hon'ble High Court, no special case is made out by the applicant/accused for further extension

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to provide home cooked food. Therefore, I am not inclined to allow the application. The sleeping mattress is already provided to the applicant/accused by order dated 12.08.2021. Therefore, no separate order is warranted. Hence, order :-

ORDER

Application (Exh.49) is rejected and disposed off accordingly.

(A.T. WANKHEDE)

SPECIAL JUDGE

Date : 15.11.2021

Place : Mumbai.

Exclusive Special Court constituted for the cases
under MCOCA/TADA/POTA AND OTHER SESSIONS CASES
against the accused-Rajendra Sadashiv Nikalje @ Chhota Rajan

Dictated on : 15.11.2021.

Transcribed on : 15.11.2021.

Signed on : 15.11.2021.

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER"

DATE : 18.11.2021, AT 12.30 P.M.

M.K. SAKHARKAR
STENOGRAPHER GRADE-I

UPLOAD DATE AND TIME

NAME OF STENOGRAPHER

Name of the Judge (with Court no.) : SHRI A.T.WANKHEDE. C.R.NO.57.

Date of pronouncement of judgment/order : 15.11.2021.

Judgment/order signed by the P.O. on : 15.11.2021.

Judgment/order uploaded on : 18.11.2021, AT 12.30 P.M.