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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.15
IN
NIS SPECIAL CASE NO. 1090/2021**

SACHIN WAZE

...Applicant/accd.no.1

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 : 09.09.2021.

Ld Adv. Mr. Naik for the applicant/ accused.

Ld SPP Mr. Gonsalvis for NIA /prosecution/respondent.

1. This application is filed by applicant/accused no.1 for shifting him from one private hospital to another with better infrastructure, as per requirement of his treating Doctors. It is submitted that, in view of order passed by this Court dated 30.8.2021 below Exh.95, the accused is admitted and taking treatment at a private hospital i.e. S.S.Hospital, Kahler. An Angiography on the applicant/ accused is performed on 31.8.2021 and 6.9.2021, wherein it is diagnosed to be a fit case for open heart by-pass surgery (CABG). The applicant/ accused needs a hospital with better infrastructure in view of

complications envisaged by the treating Doctors. It is submitted that, the treating Doctors at the S.S Hospital, Kahler have consented to transfer the applicant/accused under medical supervision. The wife of the applicant/ accused sought for consent from Wockhardt Hospital at Dr. Anand Rao Nair Marg, Mumbai Central, Mumbai for treating the applicant/ accused at the expenses of the applicant/his family. The hospital has also consented for the same vide letter dated 7.9.2021. Hence, present application.

2. Ld SPP has filed reply to this application and in fact gave no objection to the application, subject to conditions that the applicant/ accused to take proper medical treatment and undergo CABG at Wockhardt Hospital at Mumbai Central, Mumbai under the supervision of his Dr.Kamlesh Jain in judicial custody, with directions to the Superintendent of Jail and Commissioner of Police, Mumbai to provide adequate security to the applicant/ accused at the said hospital, during the period of treatment and until such time as deems fit and proper.

3. Heard Ld. Counsel Mr. Naik for the applicant/ accused and Ld SPP Mr. Golsalvis for the NIC.

4. It appears from the record that, in view of the order dated 30.8.2021 passed below Exh.95, the applicant/accused was allowed to take treatment in private hospital i.e. S.S Hospital & Research Centre, Village Kalher, Bhiwandi with certain conditions. Consequently, the applicant/ accused admitted to the said hospital. Now, it is contended by the applicant/ accused that, the infrastructure at the S.S. Hospital is inadequate for undergoing CABG. On going through the Angiography Reports dated 31.8.2021 and 6.9.2021, it reveal that, the Medical

Officers have advised for early CABG. Even the report from S.S. Hospital & Research Centre, Kalher dated 6.9.2021 shows that, the patient i.e. applicant/accused being at high risk, wants to get operated at a hospital with better infrastructure. The said hospital gave opinion that the patient can be transferred to the hospital of his choice for further management with due risk and under medical supervision. The applicant/ accused has placed on record the consent letter of Wockhardt Hospital dated 7.9.2021 giving no objection for admitting the patient upon meeting all the mandatory requirements as per the law. Considering the urgency of the early CABG and facility of having better medical and infrastructure at the Wockhardt Hospital, moreover already the applicant/accused was permitted to be hospitalized in private hospital, it is just and proper to permit the applicant/ accused to refer to Wockhardt Hospital for the purpose of treatment.

5. As regards to providing adequate security to the applicant/ accused, Ld SPP requested to give directions to the Superintendent of Jail and Commissioner of Police. In fact, Ld Advocate for the applicant/ accused also submitted that, they are ready to born the expenses of security also. At this stage, it is not necessary to go into that aspect. However, necessary data to be maintained about providing security to the applicant/ accused and the expenses incurred for that purpose. The applicant/ accused is ready to born the expenses of the treatment. Hence, I proceed to pass following order :-

ORDER

1. Application (Exh.15) is allowed.
2. The applicant/ accused be referred to Wockhardt Hospital at Dr. Anand Rao Nair Marg, Mumbai Central, Mumbai under the supervision and care of Dr. Kamlesh Jain, MD (Medicine), DM

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(Cardiology) and Interventional Cardiologist for treatment of early CABG.

3. The Superintendent of Talaja Jail, the Advocate of the accused and the NIA to continue to submit their Reports to this court as per order dated 30.8.2021 passed below Exh.95.
4. The wife of the applicant/ accused is only permitted to remain present with the applicant/accused during the hospitalization.
5. The Superintendent of Talaja Jail to assure and provide adequate security to the applicant/accused and keep data of it.
6. Medical expertise of Wockhardt Hospital to take proper decision about treatment to be provided to the applicant/accused, the period required for hospitalization etc. and submit report to this court accordingly.

Application (Exh.15) stands disposed of accordingly.

(A.T. WANKHEDE)

SPECIAL JUDGE

Date : 9.9.2021

Place : Mumbai.

Exclusive Special Court constituted for the cases
under MCOCA/TADA/POTA AND OTHER SESSIONS CASES
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Dictated on : 9.9.2021.
Transcribed on : 9.9.2021.
Signed on : 9.9.2021.

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

DATE : 9.9.2021, AT 5.55 P.M.

N.V. UBALE
STENOGRAPHER GRADE-I
NAME OF STENOGRAPHER

Name of the Judge (with Court no.)	: SHRI A.T.WANKHEDE. C.R.NO.57.
Date of pronouncement of judgment/order	: 9.9.2021.
Judgment/order signed by the P.O. on	: 9.9.2021.
Judgment/order uploaded on	: 9.9.2021, AT 5.55 P.M.