

**IN THE SPECIAL COURT FOR THE TRIAL OF NIA CASES, ERNAKULAM**

**Present: Sri. Anil.K.Bhaskar, Judge for NIA Cases**

Monday the 3<sup>rd</sup> day of October, 2022/ 11<sup>th</sup> Aswina, 1944

**Crl.M.P No. 94/2022**

**in**

**SC 2/2021/NIA**

**Petitioner/Accused** : Rajan C.G @ Rajan Chittilappilly @ Rafi (**A3**), Age 59 Years, S/o.Gangadharan, Nambiyath House, Chittilappilly, Peramangalam, Thrissur, Kerala.

**By Adv. Sri. Thushar Nirmal Sarathy**

**Respondent/Complainant** Union of India represented by National Investigation Agency, Kochi.

**By Sri. Arjun Ambalappatta  
Public Prosecutor, NIA.**

This Criminal M.P coming on for hearing before me on 03.10.2022 and the Court on the same day passed the following:

**ORDER**

1. This application is filed on behalf of A3 Rajan by his counsel to call for a report from the Jail Superintendent regarding the petitioner's health condition and for issuing necessary directions for giving proper medical aid and treatment to the petitioner.

2. It is submitted that the petitioner is undergoing regular medical checkup and treatment from Medical College, Thrissur for diabetics, cardiac related issues and urology complaint (prostrate). The date for next review and consultation was 21<sup>st</sup> September 2022, but the jail authorities failed to take him to the hospital. Further, at least two days prior to the date of consultation, blood

test is to be conducted and together with the result of the blood test, he is to be taken to the doctor. On behalf of the petitioner it is submitted that, this time jail authorities neither carried out the blood test nor taken him to the doctor.

3. Upon receiving this petition a report was called from the Jail Superintendent. He forwarded to this court the medical report of the jail doctor. In the report, it is to be stated that accused Rajan was taken to Medical College Hospital, Thrissur on 20.07.2021. On that date doctors attached to the departments of Diabetics, Cardiology and Urology examined Rajan. No Cardiological ailments were detected. Rajan is diabetic but his blood sugar level was not alarming. The doctor has prescribed medicine and it is continuing. Urology department noticed mild enlargement of prostate. Doctors have not advised for any review. Hence it is not necessary to take him again to MCH, Thrissur.

4. Medical report doesn't say anything about the medicine prescribed by the urologist or about the next consultation date. Since, the report found not complete, jail doctor was called upon to appear through video conference on 28.09.2022. Jail doctor submitted that urologist prescribed medicine but not advised for any review. The medicines prescribed by the urologist is being continued. At the same time, it is confirmed by the jail doctor that, since urologist attached to MCH, Thrissur, is treating Rajan for enlargement of prostate gland, it requires periodical review even though the urologist has not advised so. Jail doctor submitted that review at an interval of three months will suffice and he will refer the remand prisoner Rajan to MCH, Thrissur for a review by the urologist

preferably on 20.10.2022.

5. Today, remand prisoner Rajan produced before the court through VC. He was heard. He pointed out three aspects. Firstly, on 20.10.2022 Urologist will not be available in MCH, Thrissur, but will be available on 19.10.2022. Therefore, he may be taken to MCH, Thrissur on that particular date. Secondly, he is taking continuous treatment for diabetics from MCH, Thrissur. Therefore when he is taken to MCH, Thrissur on 19.10.2022, a direction may also be given to avail the consultation of diabetologist attached to MCH, Thrissur. Thirdly, he also wanted blood test to be taken at least two days prior to the date of examination. If the service of the government lab attached to the jail is not available, blood test is to be done by availing the service of the private lab men who will come to the Jail and take the blood sample. It is submitted that the petitioner is ready to meet the expenses.

6. The submission made by accused Rajan is to be accepted. Coming to the first contention, this court fixed the date of consultation as 20.10.2022, only as a tentative date. If the urologist will be available only on 19.10.2022 the date of review and consultation can be refixed as 19.10.2022.

7. Coming to the second contention, till this date prisoner Rajan was taking treatment for diabetics from MCH, Thrissur. This can be continued next time also. Thereafter he need to be taken to MCH, Thrissur for diabetic treatment only if the doctors advised to do so. Jail doctor will be competent to prescribe medicine for diabetics, especially since, as come out from the petitioner himself, he is only having mild diabetics. As per the prior blood test report, his fasting

blood sugar level was below 110 and sugar level after taking food was below 200. In this factual situation, it appears to me that blood checkup need no be done every two months. Blood test at every six months will suffice, unless otherwise directed by the doctor.

8. Anyway since the petitioner Rajan is to be taken to MCH on 19.10.2022 for consulting the urologist, it will not be an issue for having an additional consultation for diabetic treatment also. But, thereafter no review at MCH is required unless otherwise directed by the doctors. Jail doctor himself can treat the patient and prescribe medicines for diabetics.

9. The jail authorities shall ensure that blood test is conducted in advance so that the report of the petitioner is readily made available to the doctors on 19.10.2022. First preference shall always be to conduct blood test from the lab attached to the jail and if it is not functioning, it can be done through a private lab which provides the service of door collection of samples, at the expense of the petitioner.

**In the result**, petition disposed of by issuing the following directions:-

- a) Jail doctor shall refer the petitioner Rajan to MCH, Thrissur for consultation by a Urologist and a Diabetologist on 19.10.2022.
- b) In advance, the required blood test of the petitioner is to be done and the result of the blood test shall be made readily available to the consulting doctors.
- c) Blood test shall be carried out by the lab attached to the jail, if it is not functioning it can be done through a private lab which provides the service of door collection of sample, at the expense of the petitioner.

- d) The review by the urologist attached to MCH, Thrissur shall be carried out once in three months unless and otherwise the doctor prescribes a different period. Review need not always be physical. It can be through telephone/video conference as directed by the doctor.
- e) The treatment for diabetics in future can be done by the Jail doctor attached to High Security Prison, Viyyur unless the doctors attached to MCH, Thrissur specifically advice for a review by themselves.
- f) Blood test for the purpose of diabetic treatment need to be done only once in every six months unless otherwise directed by the doctor.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 3<sup>rd</sup> of October, 2022.

**Appendix: Nil**

//True copy//

Sd/-  
Anil.K.Bhaskar  
Judge, Spl. Court for NIA Cases

Id/-  
Judge, Spl. Court for NIA Cases  
(By Order)

Sd/-  
Sheristadar