

**M. L. CASE NO.03 OF 2025**  
**CNR NO.WBCS01-000226-2025**

Present: Sri Sukumar Ray  
Chief Judge, City Sessions Court, Calcutta  
J.O. CODE NO.WB00590

**Order No. 19 dated 04.08.2025**

1. Today is fixed for submission of comprehensive medical report regarding the health condition of accused Yogesh Dua by the Superintendent, Presidency Correctional Home and submission report regarding the health condition of accused Chirag Kapoor @ Chintak Raj by the Prof. (Dr.) Manimoy Bandyopadhyay, Director, Institute of Post Graduate Medical Education and Research, S.S.K.M. Hospital.
2. Ld. Special Public Prosecutor representing the Enforcement Directorate is present.
3. Ld. Advocate for the accused persons is also present.
4. Medical report in respect of the accused Chirag Kapoor @ Chintak Raj has been received from the Director, IPGME&R, Kolkata. Perused the same and let it be kept with the record.
5. Medical report in respect of the accused Yogesh Dua has been received from the Superintendent, Presidency Correctional Home. Perused the same and let it be kept with the record.
6. One petition praying for bail of the accused person Chirag Kapoor @ Chintak Raj has been filed.
7. Copy served as per endorsement.
8. Let it be kept with the record.
9. Fixing **14.08.2025** for hearing of the petition praying for bail of the accused Chirag Kapoor @ Chintak Raj.
10. Written objection, if any, in the meantime.
11. One petition has been filed praying for passing necessary direction upon the Presidency Correctional Home authority for immediate transfer of the accused Yogesh Dua to a multispeciality private hospital.
12. Copy served as per endorsement.
13. Ld. Advocate for the accused person Yogesh Dua submits that this accused needs immediate transfer to a multispeciality private hospital at his own cost for emergency gallbladder surgery and psychiatric stabilization trauma care and liver treatment.
14. Ld. Special Public Prosecutor submits that this accused is provided with adequate medical facilities and all facilities are available in the government hospital.
15. Heard. Considered.
16. True it is that every person enjoys an absolute right of his adequate medical treatment and the State has an obligation to render such treatment.
17. Right to be treated as per his own choice is also an absolute choice of every one, but such right becomes *qualified* one when he is in lying in custody with an allegation of committing serious offence, like the present one.
18. True that even in case of such *qualified right* an accused can never be deprived of his adequate medical treatment.

19. It is well settled that mere assertion of illness or desire for better medical treatment cannot be a ground for granting prayer to admit the accused at the private hospital at the cost of the accused in cases involving grave and serious offences, like in our case in hand, particularly when there is no evidence of any deliberate neglect of medical care by Correctional Home Authorities.
20. However, this Court rejects the petition of the accused Yogesh Dua with a direction upon the Superintendent, Presidency Correctional Home, Alipore, Kolkata to –
- (a) get the accused Yogesh Dua examined by a team of doctors of Medical College and Hospital, Kolkata having three or more, comprising of the Professor and head, General Surgery, one Psychiatrist, Professor and head of General Medicine and sufficient numbers of other specially skilled doctors, if necessary;
  - (b) get an opinion of the said team of doctors, in details, as to the physical/mental condition of the accused Yogesh Dua; and.
  - (c) Submit the report of the team of doctors before this Court on the date fixed, positively.
21. A copy of this order be forwarded to the Medical Superintendent-cum-Vice Principal of Calcutta Medical College & Hospital, College Street, Calcutta for information with a request to take necessary action to achieve the purpose, as specified above.
22. Another copy of this order be also forwarded to the Superintendent, Presidency Correctional Home, Alipore, Kolkata for compliance.
23. Another copy of this order be handed over to the Investigating Officer of this case through Ld. Special Public Prosecutor for Enforcement Directorate for information.
24. In view of the above, the petition dated 04.08.2025 is thus disposed of.
25. Fixing **14.08.2025** for submission of report by the Medical Superintendent-cum-Vice Principal of Calcutta Medical College & Hospital, College Street, Calcutta as well as the Superintendent, Presidency Correctional Home.
26. To date i.e. on 12.08.2025 for production of the accused persons.

Dictated and Corrected by me

Sd/-  
Chief Judge  
City Sessions Court, Calcutta

Sd/-  
Chief Judge  
City Sessions Court, Calcutta