

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)

MISCELLANEOUS APPLICATION NO.935 OF 2020

IN

SESSION CASE NO.188 OF 2011
(CNR NO.MHCC02-001909-2011)

ALONGWITH

SESSION CASE NO.788 OF 2011
(CNR NO.MHCC02-009887-2011)

ALONGWITH

SESSION CASE NO.01 OF 2020
(CNR NO.MHCC02-000008-2020)

Mohd. Ali Jaan Mohd. Shaikh

(Presently lodged in Mumbai Central Prison)

age : 30 years, R/o. 33-A, Tandel Street,
Ramzan Ali Macchiwala Chawl, Room no.22, 4th
Floor, Dongri, Mumbai-400 022.

... Applicant/Accused

Versus

The Central Bureau of Investigation, New Delhi
vide C.R. No. CBI RC 8/S/18, SC-II/SCU **and**
The State of Maharashtra (at the instance of
DCBCID, Unit I, Mumbai vide C.R.No.107/2009,
(corresponding Nagpada Police Station vide
C.R. No.207/2009)

... Respondent/Complainant

CORAM : HIS HONOUR THE SPECIAL JUDGE
MCOCA/POTA/NIA/TADA AND ADDL.
SESSIONS JUDGE SHRI A.T. WANKHEDE.

C.R.NO. : 57.

DATE : 29/07/2020.

Adv. Mr. Hiren Mehta h/f Adv. Nitin Shejpal for the applicant/accused.

ORDER

(DICTATED IN OPEN COURT)

1. This Misc. Application is filed by the applicant/accused to direct the Jail authority to get food, breakfast, dinner, dry fruits and bakery items from own source of the accused and/or from family members. It is submitted that the applicant/accused is suffering from various ailments. He has lost his weight. He has been admitted to Sir J.J. Group of Hospitals for medical treatment. His general health condition is deteriorating day to day and Doctor have advised him to observe strict and nursing diet. The food provided through hospital authority may expose the applicant to substantial danger of infection by COVID-2019. In these exceptional circumstances, home food can be directed to be provided to the Prisoner.

2. Heard Adv. Mr. Hiren Mehta h/f Adv. Nitin Shejpal for the applicant/accused.

3. In regard to the medial status of the accused, medical report was called, in which, the Chief Medical Officer of the MCP informed that the applicant is diagnosed as a case of anemia with piles. He was admitted to Sir J.J. Hospital from 01/06/2020 to 14/06/2020 and presently, he is in Jail Hospital. Certainly looking to the ailment of the applicant/accused, it is better to have the food suggested by the medical officer. However, merely because, the accused is susceptible to be infected by CORONA virus, cannot be allowed to provide home food. Considering illness of the applicant/accused, it is just and proper to direct the Jail Authority to provide necessary diet/food to the accused in the jail itself. Hence, order :-

ORDER

- (i) Misc. Application no.935/2020 is partly allowed.
- (ii) Jail Authority, Arthur Road Jail (MCP) is directed to provide necessary diet/food to the accused as per advise of Chief Medical Officer and keep inform about his medical health status.

(A.T. WANKHEDE)

Date : 29/07/2020

Place : Mumbai

Exclusive Special Court constituted for the cases
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Dictated and typed on : 29/07/2020.
Signed on : 29/07/2020.

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

DATE : 30/07/2020, AT 12:55 P.M. MAHESH KESHAV SAKHARKAR
STENOGRAPHER (S.G.)

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 : 29/07/2020.

Judgment/order signed by the P.O. on : 29/07/2020.

Judgment/order uploaded on : 30/07/2020, AT 12:55 P.M.