



IN THE COURT OF NIA SPECIAL JUDGE AT GREATER BOMBAY

ORDER BELOW EXH.95 (M.A.)
IN
NIA SPECIAL CASE NO.1090 OF 2021
(CNR NO.MHCC02-011048-2021)

MANISH SONI

...Applicant/accd.no.9

Versus

NATIONAL INVESTIGATION AGENCY
(FIR RC-01/2021/NIA/MUM) through NIA
Police Station, Mumbai, 7th floor, Cumballa
Hill Telephone Exchange, Peddar Road,
Mumbai-400 026.

... Respondent/Prosecution

CORAM : HIS HONOUR THE SPECIAL JUDGE,
MCOCA/POTA/TADA/NIA AND ADDL.
SESSIONS JUDGE SHRI A.M. PATIL.

C.R.NO. : 57.

DATE : 27.06.2022.

Adv. Mr. Magar (State Legal Aid) for the applicant/accused.
Ld SPP Mr. Gonsalvis for NIA/prosecution/respondent.

ORDER
(DICTATED IN OPEN COURT)

1. By way of present application, this accused prayed to direct the Jail Superintendent of Yerwada Jail, Pune to allow him to talk with his wife by using call facility as well as to send him for better treatment of his knee and teeth pain.

2. The learned Advocate for the applicant argued that applicant/accused is not getting facility to talk with his wife by using call facility. He further argued that the family members of the accused reside at Mumbai and they could not visit at Yerwada Jail, Pune to meet the accused because of financial crisis. He further argued that since long, the present accused is complaining for his knee pain and teeth pain, but, Jail Administration formally takes the accused to the Doctor and gets advice without any actual/specific treatment. Day by day, the pain of the accused is increasing.

3. Afterwards, the report of Jail Authority was asked. Accordingly, Deputy Superintendent of Jail filed his reply and submitted that as per circular dated 25.03.2022 issued by Upper Directorate General of Police, Jail. As per the said circular, facility of coin box phone cannot be given to the applicant as per the conditions given in the said circular. He further submitted that many times, accused had been taken for medical facilities. He also submitted that as per the Chief Medical Officer, this applicant had attended the OPD for 44 times mostly for the complaints of knee joint pain. But, at present, vital parameters and systemic examination show it in within normal limits.

4. Perused application and say. Also perused medical report of CMO along with notes of examination and prescription. So far as, conditions mentioned in the circular dated 25.03.2022 are concerned, the said facilities could not be given to the person who is implicated in offence like terrorism, anti national acts, naxalist, Gangwar, Organized Crime and habitual offender. At the time of giving reply, Jail Superintendent did not mention any reason as to why the applicant is not eligible to get

this facility. Even, he did not mention the category of the prisoner. On the other hand, in absence of any specific reasons, this applicant cannot be deprived from getting facility of telephone.

5. So far as medical treatment is concerned, it is the contention of the CMO that he had suggested X ray of knee of the accused on 27.01.2022. Upon perusal of notes of medical examination and treatment, it is not found that X ray of the knee of the accused has been taken and given proper treatment to the applicant. Admittedly, the applicant has been taken to medical officer for 44 times, in spite of that he is not getting the proper treatment. Even, the fact of taking of 'X' ray of knee is not found in the notes of medical examination. In such circumstances, it is necessary for the Jail Administration to take the applicant for proper medical treatment. Hence, the following order :-

ORDER

- (i) Application (Exh.95) is allowed.
- (ii) The Jail Superintendent of Yerwada Central Jail Pune is directed to give the facility of phone call to applicant as per circular issued to contact to his family members.
- (iii) The Jail Superintendent of Yerwada Central Jail Pune is directed to take the applicant for proper/specific treatment of knee joint pain and teeth pain.
- (iv) Inform the Jail Superintendent accordingly.

(v) Application (Exh.95) is disposed off.

DATE : 27.06.2022



Dictated on : 27.06.2022.
Transcribed on : 27.06.2022.
Signed on : 27.06.2022.

(A.M. PATIL)
SPECIAL JUDGE
MCOCA/POTA/TADA/NIA
AND ADDL. SESSIONS JUDGE
GREATER MUMBAI.

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

DATE : 27.06.2022, AT 06.00 PM.

UPLOAD DATE AND TIME

M.K. SAKHARKAR
STENOGRAPHER GRADE-I
NAME OF STENOGRAPHER

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

Date of pronouncement of judgment/order : 27.06.2022.

Judgment/order signed by the P.O. on : 27.06.2022.

Judgment/order uploaded on : 27.06.2022, AT 06.00 PM.