

IN THE COURT OF NIA SPECIAL JUDGE AT GREATER BOMBAY

ORDER BELOW EXH.70

IN

NIA SPECIAL CASE NO.1090 OF 2021

(CNR NO.MHCC02-011048-2021)

SACHIN HINDURAO 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 : 06.01.2022.

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

Ld SPP Mr. Sundeep Sadavarte for NIA/prosecution/respondent.

ORDER

(DICTATED IN OPEN COURT)

1. This application is filed on behalf of the applicant/accused Sachin Waze for allowing him home food in judicial custody. It is submitted that by way of order dated 16/06/2021, 29/09/2021, 29/11/2021 and 28/12/2021, the home food was allowed to the accused in Jail custody till 05/01/2022. The accused has undergone open heart surgery on account of coronary heart diseases at Wockhart hospital on 13/09/2021. He came to be discharged on 05/10/2021 and Doctor advised him to follow certain 'dos and don'ts' and also advised a regular follow up with the treating doctor. The Blood Pressure of the accused is fluctuating. Still he has not recovered and returned to normal post-surgery. On the contrary the health condition of the accused has been

deteriorating since the time of discharge from the hospital. Applicant/Accused is a known patient of cardio-vascular and also suffering from various ailments. Hence, it is requested to continue him home food.

2. On this application, report of the Superintendent, Talaja Central Prison was called. It is informed that they are providing balanced diet to all the jail inmates and also regularly providing Tea and Breakfast in the morning. They are maintaining the calories and providing different kinds of better food. If anyone complaining about their ailment in the jail, they have been provided required diet as per the advice of the CMO. One Food Committee is also established in the jail and they are inspecting the food provided to the jail inmates. Canteen facility is also provided to the Jail inmates and they can purchase the food items upto Rs.4500/- per month. The accused also can take benefit of the same. If the facility of providing home food is continued, then there is possibility of spreading of Corona Virus from outside in the jail and also will affect the security of the jail.

3. Learned SPP also opposed to provide home food to the accused. It is contended that the accused/applicant is misusing the liberty granted to him of home food by making repeated applications. The home food facility is provided to him for a period of 210 days till date. Further, providing home food to the accused, will give wrong message to fellow under trial prisoner about the preferential treatment. It is contended that there is no ground for allowing application.

4. Heard learned advocate Mr. Naik for the applicant and learned SPP Mr. Sadavarte for NIA/prosecution

5. Initially, by order dated 16/06/2021, permission was granted to provide home food to the accused. Thereafter, with the permission of the Court, the accused has undergone open heart surgery at Wockhart Hospital, Mumbai. In order to recuperate, the home food facility was directed to continue for a period of 60 days by the order dated 29/09/2021. Thereafter, again the order was extended for a month by the order dated 29/11/2021. Lastly, the order was extended by the I/C Court till 05/01/2022 by the order dated 28/12/2021. While passing this order, report of the CMO was called. The CMO of the Taloja Central Prison has submitted the report dated 01/01/2022 and informed that the general condition of the accused is moderate/stable and there is no need of home food for the said prisoner as per his health. In the report the CMO further suggested that the food provided to the other inmates of the jail may be provided to the accused.

6. Apparently, the accused has undergone CABG in Sept.2021. At present his general conditions are stable. His health condition is not precarious. The home food facility is being provided to the accused since last 210 days. After the heart surgery of the accused for sufficient time home food facility is provided. Looking to the present condition of the accused, there is no need to continue the home food facility. Now again Corona Virus is spreading and therefore, providing the food from outside may also pave the way for spreading the virus in jail. The accused can very well purchase the food items from the canteen facility provided in the jail. Even otherwise, as per the medical report, if requires medical diet can be provided to the accused by the jail authority. The jail authority is bound to provide the balanced and nutritious diet to the accused. Ultimately, this application of the accused

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deserves no consideration and liable to be rejected. Hence, order :-

ORDER

Application (Exh.70) is hereby rejected.

DATE : 06.01.2022

(A.T. WANKHEDE)
1ST ADDITIONAL PRINCIPAL JUDGE
AND SPECIAL JUDGE
MCOCA/POTA/NIA/TADA
GREATER MUMBAI.

Dictated on :06.01.2022
Transcribed on :06.01.2022
HHJ signed on :06.01.2022

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

DATE : 06.01.2022, AT 6.00 PM.

V. V. MALGAONKAR
STENOGRAPHER GRADE-I

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 : 06.01.2022

Judgment/order signed by the P.O. on : 06.01.2022

Judgment/order uploaded on : 06.01.2022