

MHCC020106092024



IN THE COURT OF THE SPECIAL JUDGE FOR N.D.PS. CASES
AT GREATER MUMBAI
MISCELLANEOUS APPLICATION EXH-18
IN
NDPS SPECIAL CASE NO. 1358 OF 2024

Shahnawaz Akhlaque Sheikh

...Applicant/Accused No.7

V/s.

The State of Maharashtra(At the instance of ANC Bandra Unit,
Vide C.R. No.7 of 2024)

...Respondent

Appearance :-Advocate Mr. Kazi for applicant/accused No.7.
APP Ms. Geeta Sharma, for the respondent.**CORAM : THE SPECIAL JUDGE
Shri K. G. Joshi (C.R.21)****DATE : 16.11.2024****ORDER**

1. The applicants/accused **Shahnawaz Akhlaque Sheikh** has filed the instant application for directing jail authority to approve budget for Angioplasty of present applicant/accused.
2. It is stated by the applicant that he has underwent multiple

medical examination. However, his family has not given any update or shown result of medical examination of the applicant. The Angiography examination revealed a complete blockage in one of the main arteries. This requires urgent procedure known as PTCA (Angioplasty).

3. It is further stated by the applicant that J.J. Hospital sent a formal request to Jail Superintendent for Budget approval to proceed with Angioplasty. However, there is inordinate delay by prison authority. Therefore, the applicant prayed to direct the Jail authority to expedite approval process for medical treatment of the applicant. The applicant's health continue to deteriorate and as hospital is unable to proceed with critical Angioplasty without Budget approval, the hospital discharged him on 15.11.2024 without any treatment or medications and sent him back to the prison.

4. It is stated by the applicant that Surgery procedure is extremely necessary for which family members are even ready to bear expenses if the applicant is shifted to nearest private hospital.

5. APP has filed say on the overleaf of application and submitted that Jail Authority is taking proper care of the accused. The prosecution has no objection for necessary treatment, in case cost and expenditure incurred by the accused No.7. The treatment on such necessary terms and conditions for the protection under the custody of police officials.

6. The applicant produced copies of medical examination conducted in J. J. Hospital. Prima facie it shows that the applicant has been diagnosed to be suffering from **ACS : AWMIL**. He has been advised to undergo IVUS To guided PTCA TO LAD as a part of treatment, also

budget is suggested.

7. On perusal of medical papers prima-facie, it appears that the applicant/accused needs urgent treatment regarding Heart disease. In this premises, it will be just and proper to direct the concerned Jail Authority to take necessary steps urgently, as per provisions of Jail Manual. Accordingly, this Court vide order below Exh-17 dated 07.11.2024 directed Jail Superintendent to take necessary steps and urgent followup for the medical treatment of accused. From perusal of contentions in the present applicant and reply, prima-facie it appears that till the date, neither budget is sanctioned for the treatment of accused nor actual treatment is given.

8. On perusal of medical papers prima-facie, it appears that the applicant/accused needs urgent treatment regarding Heart disease. It is matter of record that this Court vide order below Exh-11 dated 16.11.2024, granted provisional bail to the present applicant/accused for his treatment for his Heart disease. In this premises, following order is passed.

ORDER

1. Miscellaneous Application Exh-18 in NDPS Special Case No. 1358 of 2024 is partly allowed.
2. The applicant/accused is permitted to take medical treatment for his Heart disease from the private hospital in Mumbai, at the cost and expenditure of applicant/accused No.7.
3. The applicant/accused shall submit **weekly report** of his medical treatment and followup to the concern police station and copy be submitted in this case.

4. The applicant/accused is directed to submit the details of itinerary of his medical treatment alongwith the detail address of the Hospital alongwith name and contact numbers of the Doctors/Medical Board operating him, prior to taking medical treatment.
5. After discharge from the hospital, he shall convey the same to the concern police station alongwith further details of medical followup, if any.
6. Authenticated copy be provided to the applicant/accused.
7. Miscellaneous Application Exh-18 in NDPS Special Case No.1358 of 2024 is disposed off accordingly.



Date : 16.11.2024

(K.G. Joshi)
Special Judge (N.D.PS.),
City Civil & Sessions Court,
Gr. Bombay (C.R. NO.21)

Directly dictated on computer on : 16.11.2024
 Draft ready for checking on : 16.11.2024
 Draft given to HHJ for checking on : 16.11.2024
 Draft corrected by HHJ on : 16.11.2024
 Correction carried on : 16.11.2024
 Corrected copy given to HHJ on : 16.11.2024
 Signed on : 16.11.2024

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED ORDER.”

UPLOAD DATE	TIME	STENOGRAPHER NAME
16.11.2024	05.40 p.m.	Ms. Ujwala J. Bhagat

Name of the Judge	H.H.J. Shri K.G. Joshi (Court Room No.21)
Date of pronouncement of Order	16.11.2024
Order signed by P. O. on	16.11.2024
Order uploaded on	16.11.2024