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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 719/2017

SHIV KUMAR

..... Appellant

Through: Mr. Abhishek and Mr. Udit Mehra,
Advocates

versus

STATE

..... Respondent

Through: Mr. Rajat Katyal, APP a/w ASI
Naresh Bhardwaj, PS Tilak Nagar
Ms. Aishwarya Rao, Advocate for the
complainant

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE P.S.TEJI

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ORDER
12.02.2018

Crl. M.B. No. 1330/2017

Additional affidavit has been filed by the appellant to fortify his submission that the appellant needs surgical intervention for removal of the kidney stone. Though we are not satisfied with the literature produced on record and we are not convinced that on the basis of the documents, it can be concluded that the appellant necessarily needs surgical intervention, since the appellant seems to be hell bent on adopting that course of action, we permit the



appellant to be taken in custody to the medical expert that he wishes to get himself examined and operated upon by.

The appellant shall inform the Jail Superintendent of the appointment taken with the doctor concerned and on the appointed date he shall be taken in custody. For this purpose, at least two days advance notice shall be given to the Jail Superintendent. The medical opinion given by the expert shall thereafter be examined by the Medical Superintendent as well as by the Jail Doctor, and if the medical opinion is that the appellant be surgically treated for removal of the kidney stone, the appellant shall thereafter inform the date of the surgery, once again in advance of at least two days, the time and hospital for admission for the surgery, and on that basis he shall be taken in custody for his surgery.

The concerned doctor shall provide a certificate certifying that the surgery has been conducted along with supporting medical record.

The application stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

P.S.TEJI, J

FEBRUARY 12, 2018

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