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

+ CRL.A. 719/2017

SHIV KUMAR

..... Appellant

Through: Mr. Sanyam Saxena, Advocate

versus

STATE

..... Respondent

Through: Ms. Aashaa Tiwari, APP for State
with Sub-Inspector Sunil Chandra,
Police Station Tilak Nagar, New
Delhi

Mr. Subhash Chander, Jail
Superintendent, Central Jail No.1,
Tihar, and Mr. Rohit Kumar, Senior
Medical Officer, Central Jail No.1,
Tihar, Delhi.

Ms. Aishwarya Rao, Advocate for
complainant

Mr. Vibhor Garg, Advocate for
AIIMS with Mr. Rajbir singh, MRT
(AIIMS)

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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24.01.2018

Mr. Garg, who appears from the AIIMS, states that the appellant was not produced at the said Institute on 19.01.2018. The Jail Superintendent, as well as the Senior Medical Officer, Central Jail No.1, Tihar are present. They state to the contrary. Since there is a dispute raised in this regard we



called for the register of prisoners/persons passed in and out of the jail. The said register shows that the appellant was indeed taken to AIIMS on 19.01.2018. Upon this disclosure, the submission of Mr. Vibhor Garg is that the appellant was not taken to the office of the Medical Superintendent or to the OPD. On the other hand, the report submitted to this court by the Senior Medical Officer, Central Jail No.1, Tihar shows that the appointment date fixed by the AIIMS was 22.01.2018. Dr. Rohit Kumar, Senior Medical Officer, Central Jail No.1, Tihar, who is present in court states that on 22.01.2018, another date was given for the examination as 24.01.2018. On 24.01.2018, i.e. today, the appellant was again taken to AIIMS. Mr. Garg, submits that the appellant was not taken to the office of the Medical Superintendent and was directly taken to OPD of Endocrinology department.

From the aforesaid, it appears to us that there is definitely something *amiss* in this case. This is not a first instance when the court has directed the examination of an arrestee by AIIMS. We may also note that in the meanwhile, the appellant has been got examined at DDU Hospital and his tests conducted. The possibility of the appellant not desiring his examination at AIIMS cannot be ruled out. It also appears that for some reason, either the DAP is not taking the appellant to the right place for examination or the authorities at AIIMS are deliberately deflecting the appellant and not examining him. We cannot countenance such avoidance and non-compliance of our order.

We grant one last opportunity to AIIMS to examine the appellant in terms of our earlier orders. The Jail Superintendent, Central Jail No.1, Tihar shall ensure that proper instructions are given to the DAP for production of



the appellant in fasting condition in the office of the Medical Superintendent, tomorrow morning at 9 AM. The Senior Medical Officer, Central Jail No.1, Tihar shall accompany the appellant for his medical examination at AIIMS.

The appellant shall be got examined by the Medical Superintendent in terms of our earlier orders and a report furnished positively on the next date. In case, on this occasion, there is any lapse and the medical examination is not undertaken, on the next date, the Director AIIMS, the Medical Superintendent AIIMS, the Jail Superintendent, Central Jail No.1, Tihar and the Senior Medical Officer, Central Jail No.1, Tihar shall all remain present in court. We have made it clear that non-compliance of this order shall be viewed very strictly and we shall be compelled to pass stern orders for deliberate and wilful non-compliance of the order of this court.

A copy of this order be given dasti under signatures of court master to the Jail Superintendent, Central Jail No.1, Tihar, Senior Medical Officer, Central Jail No.1, Tihar as well as to Mr. Vibhor Garg, for communication to AIIMS today itself.

List on 31.01.2018.

VIPIN SANGHI, J

P.S.TEJI, J

JANUARY 24, 2018

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