

GAHC010127132024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Crl.)/603/2024

BRAJESWAR BORDOLOI
S/O LATE SURATH BORDOLOI, VILLAGE KALIAJARI, PS MORIGAON, DIST
MORIGAON, ASSAM 782105

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP, ASSAM

2:KATIRAM BANGTHAI
S/O LATE ASHOK BANGTHAI

RESIDENT OF KALIYAJARI
PS MORIGAON
DIST MORIGAON
ASSAM 78210

Advocate for the Petitioner : MR D K BHATTACHARYYA

Advocate for the Respondent : PP, ASSAM,

Linked Case : Crl.A./204/2022

BRAJESWAR BORDOLOI AND 4 ORS.
S/O LATE SURATH BORDOLOI
VILLAGE KALIAJARI
PS MORIGAON
DIST MORIGAON
ASSAM 782105

2: SUSHIL BORDOLOI
S/O SRI BRAJESWAR BORDOLOI

VILLAGE KALIAJARI
PS MORIGAON
DIST MORIGAON
ASSAM 782105

3: SHANTI BORDOLOI
S/O SRI BRAJESWAR BORDOLOI

VILLAGE KALIAJARI
PS MORIGAON
DIST MORIGAON
ASSAM 782105

4: RANJAN BORDOLOI
S/O SRI BRAJESWAR BORDOLOI

VILLAGE KALIAJARI
PS MORIGAON
DIST MORIGAON
ASSAM 782105

5: JAYANTA BORDOLOI
S/O SRI BRAJESWAR BORDOLOI

VILLAGE KALIAJARI
PS MORIGAON
DIST MORIGAON
ASSAM 782105
VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PP
ASSAM

2:KATIRAM BANGTHAI
S/O LATE ASHOK BANGTHAI

RESIDENT OF KALIYAJARI
PS MORIGAON
DIST MORIGAON
ASSAM 782105

Advocate for : MR A ATREYA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

19.08.2024

(S. Saikia, J)

Heard Mr. D. K. Bhattarcharyya, learned counsel for the applicant/appellant. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

Pursuant to the order dated 05.08.2024, whereby, the Superintendent of District Jail, Morigaon was directed to take steps for having medical review checkup of the applicant/appellant to be conducted in the Psychiatry and Neurology Department of Guwahati Medical College & Hospital, Guwahati. The learned Additional Public Prosecutor has submitted a report dated 12.08.2024, issued by the Medical & Health Officer of District Jail, Morigaon before this Court and the opinion of the Medical & Health Officer is extracted below:

“Hon’ble Gauhati High Court,
Guwahati, Assam.

Sub:- Medical report of convict Brajeswar Bordoloi of Case No: I.A.(CrI.)/603/2024.
Sir,

I have the honour to state that the convict Brajeswar Bordoloi is neurology problem, heart problem, vertigo and alzheimer’s disease. He is referred to GMCH on time to time as per requirement for re-checkup. He was admitted on 1/7/24 to 3/7/24. After two weeks he is referred to GMCH for re-checkup on 17.07.2024. As per court order he is again referred to GMCH on 24/7/24. Last referred for re-checkup to

Neurology OPD, GMCH. As per advice of GMCH we provide medicines regularly but his health condition is not good at present.

Dated:12.08.2024

Yours sincerely.

Dr. Nabajyoti Das.
Medical & Health Officer,
District, Jail, Morigaon"

Upon careful perusal of the report, this Court finds that it does not clearly reflect the applicant's/appellant's current health condition, particularly with respect to the ailments suffered and the possible treatments that may be offered. Accordingly, the Court directs that a fresh report be obtained from the Neurology Department of C. N. Centre, Guwahati Medical College & Hospital.

The learned Additional Public Prosecutor, Mr. Das, submits that the aforesaid centre is the appropriate facility for evaluating the health condition of the applicant/appellant and providing a comprehensive report on the present health status.

Accordingly, the Superintendent of Police, District Jail, Morigaon, is directed to ensure that the applicant/appellant is presented before the Neurology Department of C. N. Centre, Guwahati Medical College & Hospital for a detailed evaluation. Thereafter, subsequent report is to be placed before the Court on the next date fixed.

Let the matters be listed again on **10.09.2024**.

JUDGE

JUDGE

Comparing Assistant