

ITEM NO.3

COURT NO.5

SECTION IIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRL.M.P.NOS.16838-16839/2009 in
Petition for Special Leave to Appeal (Crl) No(s).4314-4315/2009

(From the judgement and order dated 19/06/2009 in CRLA No.
2446/2009 & CRLA
No. 2447/2009 of The HIGH COURT OF BOMBAY)

RASHMIKANT MANSUKHLAL SHAH Petitioner(s)

VERSUS

MAHENDRA MANILAL SHAH & ORS. Respondent(s)

(For directions and modification of Court's order dated 24.7.09
and office report)

Date: 19/10/2009 These Petitions were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE P. SATHASIVAM

For Petitioner(s) Mr. U.U. Lalit,Sr.Adv.
Mr. Abhinav Mukerji,Adv.

For Respondent(s) Dr. A.M. Singhvi,Sr.Adv.
Ms. Purnima Bhat,Adv.

Mr. Ravindra Keshavrao Adsure,Adv.

UPON hearing counsel the Court made the following
O R D E R

Mr. U.U. Lalit, learned senior counsel appearing
on behalf of the petitioner has drawn our attention to a
certificate dated 23.8.2009 issued by the Multi

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Speciality Hospital and Research Centre which reads as
under:

"This is to certify that Mr. Rashmikant
Mansukhlal Shah, 45 yrs/Male, was admitted in
our hospital in an emergency basis on the
night of 21st September 2009 because of a bout
of sudden giddiness with loss of
consciousness. He is under investigation and
treatment for coronary artery disease,
transient Ischaemic attach and hypertension
under Dr. (Prof.) Hemant Kumar, FRCP
(London)."

It is further pointed out that a certificate has been issued on 29.8.2009 by Dr. (Prof.) Hemant Kumar, FRCP, Consultant Cardiologist which reads as under:

"This is to certify that patient, Mr. Rashmikant M. Shah aged 45 years, was admitted under me as an emergency into room No. 603 of CritiCare Multispeciality Hospital, Juhu, Mumbai vide Regn.No.3524.

Mr. Shah is a documented case of Hypertension & Ischaemic Heart Disease, dislipidaemia, gross obesity with sleep apnea and gout.

On 21.09.2009, while taking dinner he complained of severe giddiness followed by unconsciousness and fell down. He was brought to CritiCare Hospital. There is past history of similar episode 2 months ago.

On admission his BP was recorded to be 170/110 mm & a resting ECG revealed 'T' wave changes in chest leads. 2D ECHO Cardiography revealed concentric left ventricular hypertrophy.

Mr. Shah, based on clinical presentation & past history as well as result of investigations, was treated as a case of Acute Coronary Syndrome & Transient Ischaemic attacks.

Dr. P.P. Ashok MD, Consultant Neurologist, Hinduja Hospital has examined him and his notes read as follows:

'Mr. Shah has left sided symptoms, cannot move it well, some visual neglect on

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left side. Needs to rule out Right Hemispherical lesion. Mr. Shah should undergo open MRI examination with contrast.'

Mr. Shah has also been seen by Dr. Sanjeev Mehta, MD Specialist in Sleep Medicine & Respiratory Diseases. His notes are as follows:

'I advise use of CPAP Machine during his sleep as a treatment of obstructive sleep apnea. I also advise repeat of Pulmonary Function Tests'.

Mr. Shah, in the evening of 28th September, 2009, developed severe back pain radiating to left side which has nearly immobilized him to bed. Therefore, all the above mentioned investigations are posted after his recovery from Acute Spinal Symptoms.

Dr. (Prof.) Hemant Kumar
F.R.C.P. (London)
Consultant Cardiologist"

It is stated by Dr. A.M. Singhvi, learned senior counsel appearing on behalf of the respondents that an opportunity has been granted to the petitioner to move the Vacation Bench of the Bombay High Court and the matter is likely to come up before that Bench day after tomorrow. Looking to the indifferent health of the petitioner, we request the Bombay High Court to dispose

of the bail application of the petitioner on that date.

The Criminal Misc. Petitions are disposed of accordingly.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER