

ITEM NO.7

COURT NO.7

SECTION IIA

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) 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 &amp; CRLA No. 2447/2009 of The HIGH COURT OF BOMBAY)

RASHMIKANT MANSUKHLAL SHAH

Petitioner(s)

VERSUS

MAHENDRA MANILAL SHAH &amp; ORS.

Respondent(s)

(With appln(s) for bail and exemption from filing proof of surrender and office report )

Date: 01/07/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

[VACATION BENCH]

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

Mr. Vikram Chaudhari, Adv.

Mr. Saurabh Kirpal, Adv.

Mr. M. Shoeb Alam, Adv.

Mr. Farukh Rasheed, Adv. for

Mr. Abhinav Mukerji, Adv.

For Respondent(s) Mr. Amit Desai, Sr. Adv.

Mr. Ravi Kamat, Adv. for

Ms. Purnima Bhat, Adv.

Mr. Ravindra Keshavrao Adsure ,Adv

UPON hearing counsel the Court made the following  
ORDERWe have heard learned counsel appearing for the  
petitioner, State and complainant.

2

In this matter, notice was issued on 24.6.2009  
returnable for 2.7.2009. With the consent of the learnedcounsel appearing for the parties, the matter is being taken up  
today.In pursuance to the order of this Court, the  
Superintendent of Sir J.J. Group of Hospital, Byculla, Mumbai  
has sent a report of the Committee comprising of three doctors  
including a Cardiologist.According to the report, the petitioner is suffering from  
the following ailments:

1. Obesity and hypercholesterolemia;

2. Sleep apnea syndrome (breathlessness & sense of exhaustion while sleeping) for which investigation scheduled on 3.7.2009;
3. Hypertension;
4. Gout;
5. Repeated episodes of chest pain;
6. Giddiness & Convulsions, syncope.

It is also mentioned in the said report that the petitioner would require the following investigations:

1. Tilt test;
2. Video EEG;
3. Open MRI angiography brain.

In the report, it is mentioned that these tests will have to be done outside J.J. Hospital.

For recurrent chest pain, the petitioner needs to undergo coronary angiography which can be done in J.J. Hospital.

The Superintendent of Jail would ensure that above-  
3

mentioned tests which have been mentioned in the report be carried out at J.J. Hospital and the tests which cannot be carried out at that hospital, those tests may be carried out at Leelavati or Hinduja hospital at the expense of the petitioner.

The Superintendent of the J.J. Hospital is directed to collect all the reports and send those reports to the learned Registrar General of the Bombay High Court who is directed to place the those reports before the court concerned.

The court concerned is requested to decide the question of grant of bail to the petitioner after going through the latest medical reports without being influenced by any observation made by any court. No separate bail application needs to be filed. All contentions are left open to be argued before the High Court.

With these observations, this Special Leave Petition stands disposed of.

(Pardeep Kumar)  
Court Master

(Neeru Bala Vij)  
Court Master