

अरुल वर्मा  
ARUL VARMA  
मुख्य महानगर दण्डाधिकारी (सेण्ट्रीय)  
Chief Metropolitan Magistrate, Central District  
टीस हजारी न्यायालय, दिल्ली  
Tis Hazari Courts, Delhi

copy dasti

FIR No. 250/2019  
PS: Darya Ganj  
State Vs. Chandra Shekhar Azad @ Ravan  
New Case No. 148/149/353 IPC & 3/4 PDPD Act  
Misc. Application

09.01.2020

Present: Ld. APP for the State.  
Sh. O P Bharti, Sh. Mehmood Pracha and Sh. V C  
Bharti, Ld. Counsels for accused are present.  
IO Inspector Pankaj Bhatia from SIU-I, Crime  
Branch.  
Dr. Maxin Mathew, Medical Officer-in-Charge,  
Tihar Jail.

1. The present application for providing urgent medical treatment to the accused was moved on 07.01.2020 pursuant to which report was called from the IO.
2. The IO has submitted a report today regarding verification of medical papers that were submitted by the accused alongwith the aforementioned application. Annexed with the said report dated 09.01.2020 is a medical status report of accused Chandra Shekhar Azad prepared by two doctors from the Department of Haematology, All India Institute of Medical Sciences (AIIMS), Delhi. Further, Court is also in receipt of Medical Status Report dated 09.01.2020 filed by Dr. Maxin Mathew, Central Jail No. 3.



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3. During the course of arguments, Ld. Counsel for the accused submitted that despite being aware of the peculiar medical condition of the accused, Central Jail Authorities did not take requisite action i.e. they did not provide adequate and requisite medical care to him. Ld. Counsel submits that his assertions are substantiated by a mere perusal of the medical status report dated 07.01.2020 wherein it has been mentioned that the accused has been suffering from *inter alia* allergic conjunctivitis, tooth pain (which later resulted in tooth extraction), watering from eyes, heaviness in eyes and head, itches over body, decreased sleep, low back ache, body ache, difficult in walking etc., As per Ld. Counsel, these are manifestations of accentuated form of Polycythemia. Ld. Counsel has expressed his deep anguish that despite being aware of the conditions of the patient, concerned authorities did not take requisite action.

4. On the other hand, Dr. Maxin Mathew who is present today before the Court submits that he became aware of the fact that the accused is suffering from Polycythemia yesterday only.

Submissions heard.



From a perusal of report dated 07.01.2020 it is

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explicit that the accused came to the Jail Dispensary and stated that he was a patient of Polycythemia, however, he was not given treatment for the same I.e. he ought to have been administered not ordinary medical aid, but the treatment that would address his peculiar ailment. This was not done so by the concerned Jail Authorities.

7. The authorities have acted in a callous manner, and have seemingly flouted the law of the land as laid down by the Hon'ble Supreme Court of India, which has zealously safeguarded the rights of citizens, even of prisoners. It has been laid down in ***Pt. Paramanand Katara vs. Union of India and Ors. (1989) 4 SCC 286*** by the Hon'ble Supreme Court that Article 21 of the Constitution of India casts an obligation on the State to preserve life whether the patient is an innocent person or is criminally liable to punishment under the law. Even, in ***Re-Inhuman conditions in 1382 Prisons-(2017) 10 SCC 658***, the Hon'ble Supreme Court has reiterated that providing medical facilities to inmates in prisons is a human right.

8. A perusal of the report dated 09.01.2020 of AIIMS would reveal that the accused's clinical diagnosis is Polycythemia and he was registered in haemotology clinic on 26.12.2018. The treatment for the same is Therapeutic

Phlebotomy.

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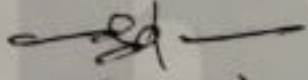
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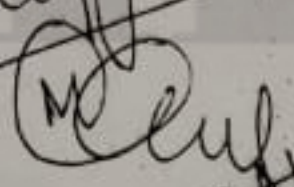
9. Since the doctors from AIIMS have reported that the accused is suffering from Polycythemia and the fact the accused has been getting treatment from AIIMS for the last one year, this Court hereby directs the concerned Jail Superintendent, Tihar Jail to ensure that the accused is treated for Polycythemia and be given Therapeutic Phlebotomy, and for that purpose he be taken for treatment at AIIMS, Delhi, where his treatment is already going on.

10. With these directions, the application stands disposed off.

11. At request, copy of this order be given dasti to Ld. Counsel for accused, and be also sent to the Superintendent, Tihar for compliance.



  
(Arul Varma)  
CMM (Central), Delhi  
09.01.2020

  
09/01/2020  
