

..1..

MHCC020155502015



IN THE COURT OF SPECIAL JUDGE (UNDER THE PREVENTION OF
CORRUPTION ACT) FOR GREATER BOMBAY

ORDER BELOW APPLICATION EXHIBIT-783

IN

ACB SPECIAL CASE NO.104 OF 2015 @ 108 OF 2015

The State of Maharashtra] Complainant.

Versus

Ramesh Nagnath Kadam] Accused No.5.

Appearance:

Ld. SPP Mr. Misar for the Complainant/State.

Ld. Adv. Mr. Prashant Raul for Accused No.5.

**CORAM: H.H. THE SPECIAL JUDGE
SHRI R.N. ROKADE
(CR NO.54)**

DATE : 22nd July, 2022.

ORAL ORDER

(Dictated and pronounced in open Court)

This is an application on behalf of accused Ramesh Nagnath Kadam for allowing him to use cot, mattress and pillow in jail.

2. It is contended on behalf of the accused that sine 2018, the accused has been suffering with severe pains in spinal cord. Because of the pain in spinal cord, he is jointly suffering with shoulder, knees and neck pain. This pain has occurred due to his sleeping on the floor in the jail. Therefore, in order to recover from his injury/pain in

..2..

spinal cord, it is prayed to direct the Jail Authorities to allow the applicant to use cot, mattress and pillow in jail.

3. Superintendent of Jail strongly resisted the application by filing say at Exhibit-789 colly. It is contended that under the Maharashtra Prisons Manual, 1979, there is no provision to provide cot, mattress and pillow to the accused. The CMO in his report has stated that the accused does not require cot, mattress and pillow. There are 17 general barracks and 126 independent rooms. The total capacity of prison to accommodate prisoners is 1105, instead 4553 prisoners are accommodated in the prison. Since, there is rise in the numbers of prisoners, demands of each individual prisoner cannot be provided. Due to the same, the prisoners are unhappy and always argue with the Prison Authorities and employees and so also make complaints in the Courts and other superior offices. The prisoners are not getting enough space to sleep and so also police guards are not available to produce the accused in Court and hospital. Because of the same, 22 prisoners are on protest, 14 male and female prisoners have attempted to commit suicide, consumed medicines unnecessarily, climbing on trees and building terrace and trying to commit suicide.

4. Due to the aforesaid situation, for a temporary period the prisoners are allowed to sleep in the balcony of the first floor of the prison building. If accused Ramesh Kadam is allowed the facility of cot, mattress and pillow, other inmates will also demand the said facility. Hence, taking into consideration all the above facts and the report of the CMO, it is prayed that the application may be rejected.

5. The Id. SPP also resisted the application by filing say on

the leaf of the application itself.

6. Heard Id. Advocate for accused and Id. SPP for the respondent. Perused the application, say, report of the Superintendent of Jail, report of CMO and the documents placed on record.

7. The Id. Advocate for the accused urged with a degree of vehemence that the accused is suffering severe pain in spinal cord. Earlier in the year 2018, MRI was done. Previously, he was referred to Sir J.J. Hospital with complaints of low backache, pain in knee joints and pain in left shoulder. Despite treatment at Sir J.J. Hospital, he is not relieved of the pains. The Id. Advocate submitted that the accused is kept in separate barrack. Therefore, no any inconvenience would be caused to other inmates. In support of the submission, the Id. Advocate placed reliance upon medical record issued by Sir J.J. Hospital.

8. In opposition to this, Id. SPP Misar submitted that there is no provision in the Prisons Manual, 1979 to provide cot, mattress and pillow to the inmates. Hence, he prayed for rejection of the application.

9. In light of the rival submissions, I have perused the report of CMO, Thane Central Jail. It appears from the report that the accused is provided conservative treatment at Prison Hospital, Thane. He was examined at Prison Hospital, Thane. In the opinion of CMO, considering the physical and mental condition of the accused, it is not necessary to provide cot, mattress and pillow.

10. It is true, earlier the accused was referred to Sir J.J.

..4..

Hospital for backache and pain in joint knees and pain in left shoulder. On examination, CMO informed that all the vitals of the accused are stable. It is to be noted here that at present the accused is provided conservative treatment at Prison Hospital. Undoubtedly, the prison is flooded with the inmates. It is not possible to provide cot, mattress and pillow to each of the inmates save as in exceptional cases. Having regard to the report of CMO, I am of the considered view that no special case is made out by the accused to provide cot, mattress and pillow. With this, I am inclined to pass following order:

ORDER

Application at Exhibit-783 in ACB Spl. Case No.104/2015 stands rejected.



Date: 22.07.2022.

(R.N. ROKADE)
Special Judge
City Sessions Court,
Gr. Bombay.

Dictated on : 22.07.2022
Transcribed on : 22.07.2022
Signed by HHJ on : 22.07.2022

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”		
UPLOAD DATE	TIME	NAME OF STENOGRAPHER
22.07.2022	4.33 p.m.	Bharat Kashinath Gaikwad
Name of the Hon'ble Judge		SHRI R.N. ROKADE Special Judge Court Room No.54, Gr. Bombay.
Date of Pronouncement of Judgment/ Order		22.07.2022
Judgment/order signed by P.O. on		22.07.2022
Judgment/order uploaded on		22.07.2022