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THE HIGH COURT OF MADHYA PRADESH
Criminal Appeal No.5559.2017
(Lalji Singh & Anr. Vs. The State of M.P.)

Gwalior, dated :3.9.2021

Shri Atul Gupta, learned counsel for the appellants.

Shri R.K. Awasthi, learned Public Prosecutor for respondent/State.

This criminal appeal assails the judgment dated 16/11/2017 passed in S.T.No.291/2009 by the First Additional Sessions Judge, Bhind (M.P.) whereby appellant No.1- Lalji Singh has been convicted as under:

Section	Imprisonment	Fine
302 of IPC	LI	Rs. 10,000/- with default stipulation
307/149 of IPC	7 Years RI	Rs.10,000/- with default stipulation
148 of IPC	3 Years' RI	Rs.3,000/- with default stipulation

I.A.No.26310/2021, fourth repeat application u/S.389(1) CrPC for grant of suspension of sentence moved on behalf of appellant No.1- Lalji Singh, is taken up and considered.

It is submitted by learned counsel for appellant No.1-**Lalji Singh** that this is the fourth application for grant of suspension of sentence. Vide order dated 11/6/2021, this Court had temporarily suspended the jail sentence of the appellant No.1 for a period of 90 days and he has not misused the bail so granted to him by way of suspension of sentence. The period of suspension of jail sentence of the appellant No.1 is going to

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expire on 11/9/2021. It is further submitted that the appellant is aged around 64-65 years and is suffering from heart ailment and taking regular treatment but his condition is not good and needs further regular treatment. It is also submitted that continuous treatment of heart is required for appellant No.1, which is not available in jail. Effective transport system for seriously ill patients (prisoners) from jail to hospital is also not available. In support of his treatment, documents have been filed by the appellant. Hence, prays for grant of temporary suspension of sentence for a further period of 90 days to the appellant.

In view of the above and the orders passed by the Co-ordinate Bench of this Court in PIL and the Principal Seat in W.P.No.9320/2021 [In Reference (Suo Motu) Vs. The State of M.P. & Ors.] are continue in operation, this Court is inclined to extend the period of interim bail granted to the appellant vide order dated 11/6/2021 for another 90 days (Ninety Days) on the same terms and conditions.

The appellant shall surrender himself to custody before the concerned Magistrate immediately after expiry of further period of interim bail of 90 days on same terms and conditions as per order dated 11/6/2021.

I.A.No.26310/2021 stands disposed of in above terms.

It is often seen that various applications/petitions are being filed by mentioning the grounds of medical treatment for release of the prisoners.

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Whenever such grounds are raised, the Courts are required to consider the applications/petitions only on the ground of ailment of the prisoners. It is also seen that some doctors are deputed for the health care of the prisoners. The ratio of deputed doctors is very low. The primary health care facilities are not available in jail dispensaries. Effective/secured transport system for transporting the prisoners for treatment is also not available in jail.

Therefore, we hereby advise and expect from the State that State should ensure to provide primary health services to the prisoners by keeping their records up-to date. It is also expected from the State to ensure that at least one primary health center should be established in jail campus having facilities to treat the ailments relating to heart, kidney, liver etc., and also to ensure that Specialist/Experts relating to aforesaid various ailments be provided in such primary health center to the prisoners.

At this stage, kind attention is also invited to land mark judgment passed by the Apex Court in the case of **Parmanand Katara vs. Union of India & Ors.**[AIR 1989 SC 2039]; whereby, various directions have been given for the betterment of medical facilities in jail custody.

Under the Constitution of India, role of judiciary in protecting the rights of the prisoners has been specified and judiciary has an obligation and a constitutional role to protect human rights of citizen as per the

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mandate of the Constitution. The prisoners are also human beings and their human rights are required to be safeguarded, as observed in the judgment passed by the Apex Court in the case of **Hussainara Khatoon & Ors. vs. Home Secretary, State of Bihar:[AIR 1979 SC 1369]**.

Hence, State counsel is hereby directed to submit a detailed report with regard to medical facilities available in jail.

Let this appeal be listed **in the 1st week of October, 2021**.

A copy of this order be sent to the State Counsel for necessary compliance.

**(Sheel Nagu)
Judge**

**(Rajeev Kumar Shrivastava)
Judge**

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