

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition (Criminal) No. 1218 of 2022

Prakash Chandra Pandey.Petitioner.

Through: Shri Abhijay Negi and Shri Pradeep Upreti, learned counsel for the petitioner.

-Versus-

State of Uttarakhand
and others.Respondents.

Through: Shri J.S. Virk, learned Deputy Advocate General, for the State / respondents.

Date of hearing and judgment : 26.09.2022

Shri Sanjaya Kumar Mishra, J.

1. By filing this writ petition, the petitioner has prayed for the following reliefs:

“i. To issue a writ, order or direction in the nature of Mandamus commanding the respondent authorities to ensure that the same police force that escorts the petitioner to the court also escorts him back to the Central Jail, Sitarganj, when the petitioner is taken for dates outside the State of Uttarakhand.

ii. Issue a writ, order or direction in the nature of Mandamus commanding the respondent authorities to ensure that the petitioner is treated exclusively at Dr. Sushila Tiwari Government Hospital in Haldwani for any further medical check up, he is not taken to any other hospital.

iii. Issue a writ, order or direction in the nature of Mandamus commanding the respondents to take responsibility for the complete medical care of the petitioner

and to Dr. Sushila Tiwari Government Hospital in Haldwani in Haldwani even when he is taken for attending Court dates outside the State of Uttarakhand."

2. It is stated that petitioner allegedly belongs to an organized crime syndicate and, therefore, he has been prosecuted in the State of Maharashtra, Delhi, Uttar Pradesh and Uttarakhand. It appears that at present, he is lodged in Central Jail, Sitarganj and police escort party is deputed by Uttarakhand Police to escort him to different courts and back to the Central Jail, Sitarganj.

3. It is also borne out from records that he is suffering from coronary ailment and is being regularly treated by doctors of Dr. Susheela Tiwari Government Hospital, Haldwani. It is brought to our notice that Uttarakhand Government has issued a Notification dated 14.12.2017 wherein guidelines for treatment of prisoners have been issued. Para 3 (1) (च) of the Notification, which is relevant for this case, reads as under:

"3(1) (च) बंदी के असाध्य रोगों जैसे कैंसर, एड्स के उपचार एवं लीवर, किडनी तथा हृदय आदि शारीरिक अंगों के प्रत्यारोपण हेतु, परन्तु इस प्रतिबन्ध के साथ कि बंदी के उपचार पर व्यय धनराशि को स्वयं बंदी द्वारा अथवा उसके परिवारजनों द्वारा वहन किया जायेगा, परन्तु यह और भी कि जेल में उसका उपचार कराये जाने का पूर्ण प्रयास हुआ है, किन्तु वह स्वस्थ नहीं हो पा रहा है और उक्त उपचार उसके जीवन रक्षार्थ आवश्यक है।"

4. Thus, it is apparent from the records that Uttarakhand Government has made a provision for the under trials and convicts lodged in jails in the State of Uttarakhand, suffering from serious disease like Aids, coronary disease etc., that if they need medical treatment, treatment would be provided but the prisoner shall bear the costs of the treatment.

5. Learned counsel for the petitioner would submit that petitioner is ready and willing to bear all the expenses going to be incurred in the medical treatment of the petitioner.

6. Keeping in view the facts of the case on reasonable apprehension of petitioner that his life may be at risk, the writ petition is allowed. A writ of Mandamus is issued to the respondents to ensure protection of the petitioner by providing proper escort of the petitioner from Central Jail, Sitarganj, Uttarakhand to different Courts, in which his case(s) are pending on different dates of hearing etc. and back to Central Jail, Sitarganj. A writ of Mandamus is also issued to respondents especially the Jail Authorities to produce the petitioner in Dr. Susheela Tiwari Government Hospital, Haldwani for his treatment with the condition that cost of the treatment shall be borne by the either petitioner himself or his relatives. There shall be no order as to costs. Let a free copy of this order be supplied to the learned Deputy Advocate General for early compliance.

(Sanjaya Kumar Mishra, J.)

(Grant urgent certified copy of this order, as per Rules)

SKS