

Court No. - 47

Case :- HABEAS CORPUS WRIT PETITION No. - 604 of 2020

Petitioner :- Atiq Ur Rehman And 2 Others

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Shashwat Anand, Ankur Azad, Sarveshwari Prasad, Syed Ahmed Faizan

Counsel for Respondent :- G.A.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Subhash Vidyarthi,J.

Crl. Misc.Urgency and Interim Directions Application No.23 of 2021

Heard learned counsel for the petitioners and learned AGA for the State.

The present application has been filed for a direction to respondents to forthwith admit the first petitioner-Atiq Ur Rehman to AIIMS, New Delhi for Surgical Intervention (Bentall Procedure) due to his fatal Aortic Regurgitation Condition. Further prayer has been made to enlarge the first petitioner on bail on account of his exigent and precarious medical emergency.

Learned counsel for the petitioners states that on 23.09.2021, the Sessions Judge/Special Court, PMLA, Lucknow has passed following orders in Criminal Misc. Case No. 136 of 2021 (Directorate of Enforcement vs. K.A. Rauf Sharif and others):

"This file has been put up before me pursuant to letter dated 22.09.2021 from concerned Police Authority, Police Line, Mathura and application dated 23.09.2021 moved by learned counsel for the accused Shri Pranshu Agarwal.

It has been brought to the notice of this Court that the medical condition of accused Atikur Rahman deteriorated while he was being brought to this Court from Mathura Jail and the accused was admitted to Chandoli Primary Health Centre and thereafter was admitted to Agra District Hospital having been referred.

Learned counsel for the accused has submitted that the accused has been admitted to Sarojini Naidu Hospital, Agra subsequent to his serious medical ailments. The accused has history of severe cardiac ailments and has been under treatment in AIIMS, New Delhi from past several years. The applicant is patient of severe Aortic Regurgitation (AR) meaning destruction of aortic wall and is a known pre-condition of cardiac arrest. Hence, the applicant be referred to AIIMS, New Delhi.

From the aforesaid facts and circumstances, District jail, Mathura is directed to provide proper treatment to the accused Atikur Rahman and ensure that adequate medical facilities are provided to him and if required, the accused be referred to some higher/better medical centre for proper treatment.

Further, a report regarding medical condition of the accused Atikur Rahman be called from concerned Medical Centre/Hospital through District Jail, Mathura.

Put up on date fixed 12.10.2021 for hearing and remaining accused barring Atikur Rahman be summoned from the District Jail, Mathura."

Thereafter on 12.10.2021, following order has also been passed by the Sessions Judge/Special Court, PMLA, Lucknow:

"Called out.

Shri Kuldeep Srivastava-Advocate, learned S.P.P. for Enforcement Directorate (E.D.) is present. Shri Furkan Pathan-Advocate and Sri Abid-Advocate present for accused persons.

Shri dilip Mani-Advocate present on behalf of accused no. 4 Siddiqui Kappan and filed Vakalatnama with a request to take it on record.

Vakalatnama taken on record.

Accused persons K.A. Rauf Sharif, Masud Ahmed, Sidhique Kappan and Md. Alam are present in person from District jail, Mathura.

As per report dated 11.10.2021 vide letter no. 379/mo/2021 submitted by the Office of the Superintendent, District Jail Mathura, accused Atikur Rahman is being given treatment at District Jail Hospital as per the advise of Higher Centre, AIIMS, New Delhi. It has further been stated in the said report that the said accused has been advised Surgical Intervention (Bentall Procedure) for Aortic Regurgitation by experts from AIIMS, New Delhi and as such they have asked for Rs.2 Lakh and 10 units of blood whereon the said expenditure has been demanded from Director General of Police / Inspector General, Prison Administration and Reform Services, U.P., Lucknow vide letter no.372/m.o./2021 dated 10.10.2021 and as soon as, the said expenditure will be made available, the accused Atikur Rahman will be sent to AIIMS, New Delhi for treatment.

Learned counsel for the accused persons have pressed on discharge application.

Learned S.P.P. for E.D. sought time to file written objection against the discharge application.

Time is allowed.

Fix 08.11.2021 for hearing/disposal of discharge application on which date remaining accused persons barring Atikur Rehman be summoned from District Jail, Mathura.

Learned counsel for the accused Atikur Rehman moved an application

with the prayer that appropriate directions be issued to Jail Authorities for providing necessary medical treatment to the said accused and report of Medical treatment of accused be summoned from District Jail, Mathura.

A fresh report with regard to medical treatment of the said accused be summoned from District Jail Mathura by the next date fixed."

In spite of repeated orders dated 23.09.2021 and 12.10.2021 passed by Sessions Judge/Special Court, PMLA, Lucknow, which have been brought on record to this criminal misc. urgency and interim directions application but till date, the adequate medical facility has not been provided to the first petitioner.

On the request of learned AGA, case is passed over for enabling him to seek necessary instructions in the matter.

Put up this matter on 25.11.2021 at 02:00 P.M. in the additional cause list.

Order Date :- 23.11.2021
Ashish Pd.