

short intervals, passing blood from urine some time and his inability to reach to the washroom from a distant place in the barrack/clinic of the jail and how the same has gone beyond his capacity to sustain. He further expressed his depression and frustration, stating that the destiny may allow him to die in jail and not anywhere in the hospital like Sir J.J. Hospital.

2. The Court has already taken the note of his ardent submissions. Not only this but also this Court minutely observed his health, swollen knees, whole body tremors and inability to stand on his own as well as trembling and thereafter asked his Ld. Advocate to take proper step. In this background this application is preferred for allowing him to undergo medical check-ups from his consulting specialist doctors on the dates provided in the table in paragraph 10 of the application.

3. Ld. SPP Mr. Sunil Gonsalves vide his say strongly opposed the application and contended to reject the same.

4. Heard Ld. Sr. Counsel Mr. Aabad Ponda @ Ld. Adv. Mr. Harish Khedkar for the applicant and Ld. SPP Mr. Sunil Gonsalves at length.

5. In the Court on 06.01.2024 the accused specifically submitted how his age and ailing situation are not permitting him to visit Sir J.J. hospital alongwith co-accused in a common vehicle and that too the availability thereof. He further pointed out how he has to wait for a long time for getting himself examined in the queue and how there is no certainty feature follow up in spite of his examining by the

doctors in Sir J.J. Hospital. In the Rojnama dt.06.01.2024 I have clearly assured the accused that his health issues will not be ignored and shall be taken care of. While noting as such, the Court has considered the reality and genuineness in the submissions made by the accused. In the background of his natural, genuine submission and the limitation inside Arthur Road Jail to meet his health issues and assisting him every time, no prejudice will be caused if he is permitted to attend his private doctors and get himself examined, diagnosed properly and correctly and fixing the schedule of treatment by his private doctors. He was ardently requesting the Court that he be allowed to visit his doctors for his medical issues under whose treatment he had been till the date of his arrest. Health is precious and getting proper treatment is his valuable right. ED cannot oppose the same and can depute their officer in case the accused is taken out of Jail for referring him to his private doctors. In this background, I am of the opinion that the application deserves to be allowed.

6. Also there is no dispute or difference regarding the fact that accused is turning to 75 years with multiple illnesses. His body is not responding properly to keep him well. Additional fact is also not much disputed that his wife is bedridden, suffering from Cancer. His only daughter is also reportedly not well to look after her mother. In this way, accused and his wife have become orphan. In such situation feeling to meet the ailing wife once is quite natural. No prejudice will be caused to the ED if the same is allowed. Considering this exceptional situation, I am of the opinion that empathy warrants to consider the prayer of accused Mr. Naresh Goyal to meet ends of justice on humanitarian ground. ED can depute their staff to monitor this process, so that there will be no activity which would be allegedly detrimental to

their case. With this, following order is passed :-

ORDER

1. The application (Exh.11) is allowed.
2. The Superintendent, Arthur Road Jail, Mumbai shall arrange the Escort Party at the expenses of accused Mr. Naresh Goyal, well in advance, for his visits to private Doctors and his wife as follows,

Sr. No.	Ailments	Details of Doctor	Date of appointment
1.	Dental condition	Dr. Suchetan Pradhan Pradhan Dental Care Centre, Karishma Building CHS, Plot 225, Ground Floor, Junction of 12 th and 6 th Road, Guru Gangeshwar Chowk, Khar West, Mumbai 400 050.	10 th January 2024
2.	Orthopedic issues related to shoulder and spine	Dr. Darius Soonawala 22 A, Empire Estate August Kranti Marg, Kemp's Corner, Mumbai 400 036.	11 th January 2024
3.		Dr. Ramakant Panda Asian Heart Institute, Bandra Kurla Complex Road, G-N, Bandra East, Mumbai – 400 051.	Depends on appointment given by the doctor
4.		Dr. Muffazal Lakdawala Raja RamMohan Roy Road, Prarthana Samaj, Girgaum, Mumbai 400 004	12 th January 2024
5.	Heart condition	Dr. Jamshed Sunawala 402, Doctor House, Peddar Road, Mumbai 400 026.	12 th January 2024
6.	Meet his ailing wife at home	72, Jupiter Apts., Anstey Road, Off Altamount Road, Mumbai 400 026.	13.01.2024

3. ED shall depute their adequate Staff/Officers from Arthur Road Jail to accompany the accused when he is taken out of Jail until resumed in the jail.
4. The home food of the accused shall continue.
5. Everyday once the medical examination of accused Mr. Naresh Goyal is over, he should be resumed the jail well before jail hours.
6. Accused Mr. Naresh Goyal is permitted to visit his wife on 13.01.2024 as per Sr.No.6 in the table above and stay with her for a whole day i.e. from 10.30 a.m. until jail closing hours and not more than that.
7. **All Doctors attending accused Mr. Naresh Goyal shall note that he (accused) should not be straight way admitted in the hospital without making report to and without taking permission of the Court.**

Dt.: 09.01.2024



(M.G. Deshpande)
Designated Special Court,
under the PML Act, 2002.
Gr. Bombay

Signed on : 09.01.2024

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”	
10.01.2024 at hours UPLOAD DATE AND TIME	(KISHOR PRAKASH SHERWADE) NAME OF STENOGRAPHER
Name of the Judge	HHJ M. G. DESHPANDE (COURT ROOM NO.16)
Date of pronouncement judgment/order	of 09.01.2024
Judgment/order signed by P.O. on	09.01.2024
Judgment/order uploaded on	10.01.2024