

Daily Status

City Sessions Court, Mumbai
In the court of :COURT 16 ADDL SESSIONS JUDGE
CNR Number :MHCC020164382023
Case Number :SPL.CASE/0101728/2023
Directorate of Enforcement **versus** Naresh Goyal and Ors.05
Date : 06-01-2024

Business

: Ld.SPP Sunil Gonsalves present. ED Officer absent. Accused No. 1 produced from JC. Accused No.2 on bail absent. Ld. Sr. Counsel Mr. Aabad Ponda i/b Ld. Adv Ameet Naik, Ld.Adv Abhishek Kale, Ld. Adv. Harish Khedekar, Ld. Adv. Parikshit K i/b Naik Naik Co for accused No. 1 and 2 present. Ld.Sr. Counsel Mr. Aabad Ponda began his argument on bail application(Exh.9) and finished preliminary part. Thereafter, he submitted that physical and mental condition of accused is really not well and requires concern. Previously accused had never insisted the jail authority to produce him before this Court physically but today he wants to attend the Court physically and makes some personal submissions. Ld. Sr. Counsel Mr. Ponda further submitted that he and his team had advised the accused not to make any personal submission before the Court but even if he makes any submissions, the same pleased be viewed from the point of his age and precarious ill-health. When Ld. Sr. Counsel Mr. Ponda finished his argument and went elsewhere, accused Naresh Goyal is produced by jail party. Ld.SPP Mr. Sunil Gonsalves is present in the Court. Accused Naresh Goyal has requested to give him few minutes of personal hearing and I permitted him for the same. He came before the Court with continuous tremors in his whole body and hands. Folding hands and bowing before the Court in such trembling condition he submitted that his health is very bad and precarious. He cannot state to anyone because his wife is bedridden and the only daughter too. Jail Staff has limitation to help him. I heard him patiently and also observed him when he made submissions as such. I found that his whole body is trembling. He needs assistance even to stand. He pointed out how his knees are swelling and paining. He is unable to fold both legs. He has huge knee pain due to swelling. He further submitted that he frequently requires to rush to the washroom for urinating. Nowadays, he has severe pain while passing urine and some times blood passes through urine coupled with unsustainable pain. Maximum time he could not get any assistance. In this background he further urged that he has become very weak and there is no use of referring him to J.J. Hospital as the journey with other accused persons as per convenience of jail and Escort Party from Arthur Road Jail to J.J. Hospital is very troublesome, hectic and tedious which he cannot bear and sustain. Apart from this, when he is taken to J.J. Hospital always there is a long queue of patients and he cannot reach to the doctor in time and whenever he is examined by the doctor further follow up is not possible. All this is very badly affecting his health. He further wept and said that his wife is advance stage of Cancer and undergoing treatment. Nobody is to look after her, because his only daughter is also suffering from health issues. Therefore, all of them are unattended when quick medical assistance is the need for their lives. He is continuously weeping and further with folded trembling hands and submitted the court as, "Don't send him to J.J. Hospital and allow him to die in the jail itself. Now, he has lost every hope of life and

better he should die rather keeping him alive in such situation. He further submitted that he is entering the age of 75 years and he has no hope for any future. Better if he dies in the jail, his destiny would rescue him. He further ardently submitted that he is missing his wife very badly, who is at the last stage of Cancer. Thereafter, he submitted that even if his health is not permitting to attend the physically, he himself heavily insisted the Jail Authority to produce him before the Court so that he would be able to submit everything personally and thereafter, will never come before the Court physically nor would insist for the same. I have taken the note of everything he has submitted and also assured the accused that he will not be left helpless and all possible care of his mental and physical health will be taken with proper treatment. The Court also directed his lawyers to take appropriate steps from the point of his illness. The court assured him that everything regarding his health will be taken care of. His lawyers and Ld. Sr. Counsel Mr. Aabad Ponda now appeared, submitted that they would be taking proper steps in this background and also explained him in the Court. Matter adjd to 16.01.2024 for compliance and further argument of Ld. Sr. Counsel Mr. Aabad Ponda on Exh.9. Till then Judicial Custody of accused No. 1 extended as per Sec.309(2) Cr.PC.

Next Purpose : COMPLIANCE
Next Hearing Date : 16-01-2024

COURT 16 ADDL SESSIONS JUDGE