



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Reserved on: 12th August, 2025**
Pronounced on: 18th August, 2025

+ **W.P.(CRL) 1477/2020**

SUBHASH CHANDER

S/o Sh. Hari Chander,
 R/o C-74, UG Floor, Anoop Nagar,
 Near Jeevan park, Uttam Nagar, New Delhi
 Presently in Custody
 Central Jail No.8, Tihar Jail
 New Delhi.

.....Petitioner

Through: Mr. Kumar Balram, Advocate.

versus

1. **STATE OF NCT OF DELHI**Respondent No.1

2. **DIRECTOR GENERAL**

Central Jail,
 Tihar, New Delhi.

.....Respondent No.2

Through: Mr. Amol Sinha, ASC for State with
 Mr. Kshitiz Garg, Mr. Ashvini Kumar
 and Mr. Nitish Dhawan, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Writ Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as the "Cr.P.C."*) has been filed by Petitioner, Subhash Chander against the Respondents and directing them to remit his remaining sentence of imprisonment and bear all the expenses required for his operation, treatment



and care and to further establish an independent Committee to ascertain and fix responsibility of Officials responsible for his condition and pay appropriate compensation to him.

2. ***Briefly stated***, the Petitioner is a convict facing life imprisonment in FIR No.0175/2001 under *Section 364A/307/343/120B/353 IPC and Section 27 Arms Act*, registered at Police Station: New Ashok Nagar, Delhi and is presently lodged in Central Jail No.8, Tihar Jail, New Delhi.

3. He has asserted that during his incarceration, he has developed Kidney ailments which came to his knowledge in the year 2011 and Heart ailments in the year 2013. Respondent No.2 despite having noticed the ailments, showed indifferent and callous attitude towards him and never gave proper and timely treatment.

4. In the year 2011, Respondent No.2 was well aware of that Petitioner needed surgery for removal of two stones of 10 mm & 15 mm from his left Kidney. But, due to negligence of Respondent No.2 in not giving proper and timely treatment, which ultimately resulted in complete failure of his left Kidney, which was *declared as fully damaged* on 20.10.2016. He had been advised to be removed as early as possible. However, till date Respondent No.2, for the reasons best known to them, have failed to get the surgery done for removal of stone from left Kidney.

5. In the year 2011 and on various dates in the year 2013, Petitioner was taken to DDU Hospital on the complaints of pain and other complications. However, it is alleged by the Petitioner that it was not being done in a timely manner on the dates that were given by the Hospital.

6. On 23.11.2013, the date given for IVU/IVP test and X-ray KUB, Petitioner was taken to DDU Hospital, but as the IVU machine was not



working, he was advised to be taken to some other hospital for IVU/IVP test and X-ray KUB, but he was kept in Jail Hospital only on medications to compound his voice.

7. Petitioner suffered cardiac arrest on 19.12.2013 and was taken to DDU Hospital, where he was given first aid treatment and was referred to Cardiology Department, GB Pant Hospital. While the Petitioner was on Parole, he arranged money and got his Heart Bypass Surgery done on 06.01.2017, which was due for the last 04-05 years.

8. His Angiography was performed in GB Pant Hospital on 18.02.2014 and it was diagnosed that one of his major artery i.e. LAD was 100% blocked at 3 places and D1 was also 90% blocked. Accordingly, he was advised for Angioplasty (Stenting of arteries) on 04.03.2014 and total of three stents were to be placed to open the blockage, which required a sum of Rs.78,750/- to be deposited with the GB Pant Hospital.

9. Despite having full knowledge of the Petitioner's condition, Doctors at Central Jail Hospital did not send him for Angioplasty, as he was to attend the Court hearing. Since his condition was critical, Doctors at GB Pant Hospital tried not to linger on the case and advised to bring him on 06.03.2014 for Angioplasty. On the advice of doctors at GB Pant Hospital, Doctors at Central Jail Hospital noted that even if on 06.03.2014 Petitioner had any Court date, he should be taken to GB Pant Hospital.

10. Jail Authority was fully aware of the fact that for the purpose of Angioplasty cost of Rs.78,750/- was required to be deposited but still the Petitioner was sent to GB Pant Hospital on 06.03.2014 for Angioplasty without arrangement of the said amount. Because of non-deposit of required funds, Doctors at GB Pant Hospital refused to admit the Petitioner despite



knowing his medical condition. They insisted that first the amount for stents has to be deposited to perform Angioplasty.

11. On 10.03.2014, the Petitioner was again referred for Angioplasty to the GB Pant Hospital without deposit of the requisite amount, but on his Referral slip, it was mentioned that the required money has been deposited for the procedure and needful was requested be done. However, since money had not been deposited, he was advised only with medications and a note was mentioned stating that the procedure of PTCA will only be decided after producing the Demand Draft.

12. Petitioner was informed by Respondent No.2 that the amount for stents has been deposited on 14.03.2014 and now his Angioplasty would be performed soon, but, even after several visits, no such procedure of Angioplasty was performed at GB Pant Hospital.

13. To the utter shock of the Petitioner, the Central Jail Authority has even submitted a Medical Report of the Petitioner before this Court on 14.03.2024 in CRL.A.422/2010 mentioning that the Petitioner was advised Angioplasty for which required amount was deposited on 14.03.2014 and also falsely stated that “*the patient is regularly reviewed at GB Pant Hospital Department of Cardiology on 10.03.2014, 19.03.2014, 31.03.2014, 07.04.2014 and 21.04.2014*” and thereby, true and correct facts were intentionally suppressed as the Petitioner had not visited GB Pant Hospital for regular review on these dates, but for the procedure of Angioplasty, which was not performed due to the negligence of Respondent No.2.

14. Petitioner submits that on 26.04.2014, he suffered another Heart Attack solely due to the uncaring and callous attitude of Respondent No.2 towards the convicts. Further, adding to his agony, due to non-presence of



any Doctor in the Jail Hospital, he was made to leave without treatment as could not be sent to any Hospital without reference from Medical Officers of the Jail Hospital, who came only at around 09:50 PM and advised only to take certain medications.

15. Duty of the Medical Officer is to be with the Patient at least till the arrival of ambulance and Nursing Orderly, but the Medical Officer immediately left the Jail premises after five minutes, as is apparent from the Records. Petitioner could not be sent to the Hospital as no Nursing Orderly or Ambulance was available in the Jail at that time. Ambulance came at around 12.15 AM on 27.04.2014 and Nursing Orderly Ajit Kumar came around 12.35 AM.

16. This shows the untoward behavior of the Medical Officers and other Jail Staff towards the Petitioner. It also proves that Respondent No.2 failed to provide emergency treatments required to be provided to Jail inmates.

17. It is submitted that Petitioner has asserted that during the entire period, he was suffering from a Heart decease as well as Kidney ailments, but no treatment was provided to him by the Doctors at Central Jail Hospital and also at GB Pant Hospital. In the given circumstances, being under immense stress and depression, he wrote a letter dated 30.04.2014 to the Hon'ble President of India seeking permission to die.

18. On 02.05.2014, instead of referring the Petitioner to various Departments for proper treatment, he was referred only to Urology Department at Safdarjung Hospital. Petitioner again suffered chest pain on 05.05.2014 while he was in Patiala House Courts, Delhi and was taken to Delhi Government Dispensary at Patiala House Courts Complex, wherein he



was referred to Emergency at Dr. Ram Manohar Lohia Hospital, wherein he was advised with certain medications.

19. On 09.05.2014, he was again taken to GB Pant Hospital for review, wherein a note referring *Purchase Section* was mentioned on the Prescription regarding the purchase of stents to be procured for PTCA procedure.

20. On 17.05.2014, the Inspecting Judge directed to refer the case of the Petitioner before a Medical Grievance Committee and asked for the detailed Report within two weeks. Medical Grievance Committee submitted its report dated 22.05.2014 to the Inspecting Judge, but no action was taken based on the said report.

21. Because of this delay, the condition of Petitioner's Kidney got deteriorated to such level that on 12.06.2014, the Doctors at GB Pant Hospital denied to perform PTCA procedure without due clearance from the Urology Department of Safdarjung Hospital. It is asserted that on 02.07.2014, Superintendent of Central Jail No.5 intentionally submitted false Report stating that issues related to Heart Surgery of the Petitioner has been resolved and thus, deliberately concealed the true facts about his medical condition.

22. Petitioner was sent for ESWL procedure at Safdarjung Hospital on 25.08.2014, wherein the said procedure was performed and he was advised to come again after 21 days with repeat X-Ray KUB along with other prescribed medications. However, because of negligence and carelessness of Respondent No.2, this procedure which was to be done after 21 days, was finally done after 210 days i.e. on 27.03.2015, but in between, on couple of



prescribed dates, Petitioner was sent to Safdarjung Hospital without X-Ray KUB as mandated by the Doctors.

23. Petitioner again suffered chest pain on 17.07.2015 and urgent Angiography procedure was carried out at Safdarjung Hospital wherein it was diagnosed that he could not recover with Angioplasty and now Bypass Surgery is required to be done. He submitted that despite his serious condition, he was not taken to Safdarjung Hospital on 05.08.2015. However, he was taken on various other dates in the years 2015 and 2016 till 09.09.2016, but either on the pretext of arrangement of blood, or without prescribed Tests or he was not sent on few dates and the said procedure could not be performed.

24. It is claimed that mockery of the system is evident from a Letters exchanged on 19.10.2015 between Medical Officer, Central Jail and Superintendent of Jail No.5, whereby Petitioner was listed in *seriously ill* condition patient, even though he was *critically ill* since the year 2013. Petitioner, thereafter, was sent to Cardiology Department of Safdarjung Hospital instead of GB pant Hospital, wherein the amount of Rs. 78,750/- was already deposited in the name of the Petitioner and thus, started the whole new process and neglected his critical condition.

25. On 13.11.2015, Cardiology Department of Safdarjung Hospital advised few tests, but since 18.11.2015 the blood was never arranged and no surgery, whether in regards to kidney or heart, was ever performed at Safdarjung Hospital.

26. On 24.11.2016, when Petitioner was on furlough he was admitted to Mata Chanan Devi Hospital, Delhi by his family members on complaint of severe chest pain. However, since he was unable to arrange the requisite



funds, he took discharge from the Hospital and got himself admitted in Safdarjung Hospital, where Open Heart Surgery was performed on 06.01.2017, after seeking necessary clearance from Nephrology Department.

27. It is asserted that expenses for the Open Heart Surgery and related expenses were borne by his family. It is the irony herein that while being in confinement, the Hospital did not give or sought any clearance and took years to do only Tests and nothing else in his case, but when he was out, he availed the same treatment within two days which he could not get from Respondent No.2 in the last 5 years.

28. He was discharged from Safdarjung Hospital on 25.01.2017 and he surrendered before Jail Superintendent on 03.03.2017. He was sent to Safdarjung Hospital for *review* on 03.04.2017, but till date he has never been sent again to Cardiology Department of any Hospital.

29. As per Letter dated 13.11.2017 written by Medical Officer, Central Jail No.8/9 to the Superintendent Central Jail No.8/9 regarding the medical status of Petitioner, it has been mentioned that the Petitioner may require Left Nephrectomy (removal of Kidney) in view of long standing obstructions, thereby confirming his condition and the delay in receiving necessary *kidney procedure* which should have been provided by Respondent No.2. It is also mentioned that Petitioner has undergone CABG procedure at VMMC at Safdarjung Hospital on 06.01.2017, but intentionally Medical Officer suppressed/concealed the fact that the said procedure was done at the expense of Petitioner himself, while he was on furlough.

30. From 17.01.2018 till 26.05.2018, Petitioner was sent to Safdarjung Hospital for various Tests and for review at Nephrology Department and finally, date of 16.05.2018 was given for removal of Petitioner's Kidney, but



on 01.06.2018, after undergoing immense stress and seeing the uncaring and inhumane behavior of Respondent No.2 and Hospital and further apprehending no post-operative care in the Jail and risk to his life, he denied to get the said *procedure* done.

31. On 09.12.2019, due to severe pain in Right Kidney, he was referred to Senior Doctor of DDU Hospital, who advised some Tests and USG, which was carried out on 30.12.2019, in which he was diagnosed with stone in Right Kidney, by Senior Doctor of Deen Dayal Upadhyay Hospital. Petitioner has asserted that apparently his imprisonment for life sentence, has been converted to death imprisonment by the actions of Respondent No.2.

32. Having no means whatsoever to get the said surgery for removal of his left Kidney done, Petitioner left with no other alternative and efficacious remedy, has filed the present Writ Petition *seeking following reliefs*:

“i. Grant Writ of Mandamus or any other writ, order or direction thereby directing the respondents to remit the remaining sentence of imprisonment and release the petitioner permanently from Jail;

ii. Grant Writ of Mandamus or any other writ, order or direction thereby directing the respondents to bear all the expenses required for operation, treatment and care of petitioner;

iii. Grant Writ of Mandamus or any other writ, order or direction thereby directing the respondents to reimburse the expenses meted out by Petitioner for his bypass surgery;

iv. Grant Writ of Mandamus or any other writ, order or direction thereby directing the establishment of an independent committee to ascertain and fix the responsibility of officials responsible for the condition of the petitioner; and



v. Grant Writ of Mandamus or any other writ, order or direction thereby directing the Respondents to pay Rs.2,00,00,000/- (Rupees Two Crores Only) to Petitioner as damages for an irreparable loss caused to Petitioner.”

33. ***Status Report has been filed on behalf of State***, wherein it is stated that Petitioner has been given medical treatment in different Hospitals, including Mata Chanan Devi Hospital, Janakpuri, Delhi; Safdarjung Hospital, Delhi; Deen Dayal Upadhyay Hospital, Hari Nagar, Delhi; Delhi Government Dispensary, Patiala House Court Complex, New Delhi; All India Institute of Medical Sciences (AIIMS), Ansari Nagar, Delhi; and Govind Ballabh Pant Institute of Postgraduate Medical Education & Research (GJPMER), JLN Marg, Delhi and at Central Jail Hospital, Tihar, New Delhi. Various Medical Reports of the Petitioner have also been annexed on behalf of Superintendent Jail No. 8/9, Tihar, New Delhi.

34. The ***detailed Medical Reports*** have also been submitted mentioning the details of time to time examination of the Petitioner at DDU and other Hospitals in regard to Complaint of Kidney and Chest pain. It was stated that the money for conducting PTCA was deposited on 01.04.2014, but the same could not be arranged by GB Pant Hospital and the patient was being sent regularly to the Department of Cardiology, GB Pant Hospital. On 12.06.2014, Urology clearance was sought before PTCA, as the Patient was having renal stone and Hematuria (blood in urine). He was referred to Urology OPD, Safdarjung Hospital for the same, where he was treated and sitting of ESWL was given, as he had developed stricture in ureter and was therefore, advised procedure for the same, but it was unsuccessful.



35. He was also treated at *Renal OPD at AIIMS Hospital* on 18.11.2016, where he was diagnosed having *bilateral Renal Calculus with non-functioning left Kidney with normal Kidney Function Test*. He was investigated, treated and advised left Nephrectomy in view of long-standing stricture of left ureter and was referred back to Urology Department, Safdarjung Hospital for the same. There he was seen having non-function of left Kidney and small right renal stone and was advised ESWL for the same or another surgical procedure and he was referred to AIIMS or RML Hospital, which he declined.

36. It was further reported that Open Heart Surgery was got conducted by the Petitioner himself and was reported to be stable for the surgery.

37. Further ***Status Report dated 13.10.2020*** has been filed on behalf of Jail Superintendent, Central Jail, Tihar, New Delhi, again giving details of the medical treatments that have been provided to Petitioner from time to time.

Submissions heard and record perused.

38. Essentially, the Petitioner, who is a convict for life imprisonment, has been suffering from Heart ailments and urology complications, on account of stone in his Kidney, as have been detailed by him and also stated in his Medical Status Reports filed by Jail Superintendent. It is evident that the Petitioner from time to time, has been provided with medical facilities. He has been taken to various Hospitals including, AIIMS, RML, GB Pant, etc. for getting requisite treatment. Petitioner himself had got his Open Heart Surgery conducted, while he was on Furlough. He himself declined for the surgery for Kidney on the ground that he was not convinced about the care provided to him at the time of surgery and post-operative care.



39. While the Petitioner has approached this Court because of his medical condition, but his entire Petition does not disclose any callous indifference or negligence on the part of Respondent No.2, insofar as making the medical facilities available to the Petitioner. He has claimed the reimbursement of the expenses incurred by him in his treatment while he was on Furlough or otherwise, but no *medical bills* of any nature has been placed on record. Moreover, where the facts are disputed or require evidence, the same cannot be considered in the Writ Petition.

40. No directions, as sought by the Petitioner, are merited in the present Writ Petition in the given circumstances, ***which is hereby disposed of*** with liberty to the Petitioner to approach Appropriate Court with appropriate remedy available to him in accordance with law, to claim reimbursement of his *Medical Bills* or *Compensation for negligence and indifference*.

41. Pending Application(s), if any, also stands disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

AUGUST 18, 2025/R