

"Application of Dr. Hitesh Mehta seeking release of Rs.30,000/- from his salary account for undergoing a surgery rejected by Hon'ble Special Court holding that he should get treatment from Government hospital."

IN THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO
TRANSACTIONS IN SECURITIES) AT BOMBAY.

Application No.14 of 1992.

Hitesh Shantilal Mehta. Applicant.

Vs.

Central Bureau of Investigation & Anr. Respondents.

Mr K.M.Desai with Mr A.K.Desai i/b Kanga & Co.

for the Applicant.

Mr P.R.Namjoshi with Mrs Teja Katdhare for the

Respondents No.1.

Mr A.M.Setalwad with Mr R.V.Desai and Mr Rajadhyaksha

for Respondent No.2 Custodian.

CORAM: HON'BLE MR JUSTICE
S. N. VARIAVA,
SPECIAL JUDGE.

17th August 1992.

ORAL ORDER :

By this Application, the Applicant is asking for release of, at present, a sum of Rs.30,000/- towards medical expenses for an operation. The Applicant is at present a Notified Person. Mr Setalwad states that he was Notified as he had ostensibly received from his brother Harshad Mehta a very large gift.

Mr Desai submits that the expenses are required for a specialized treatment and that the money must be released from the Bank Account where the salary of the Applicant is being deposited.



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Mr Desai submits that this is hard earned money of the Applicant and the Applicant should be allowed to utilise it for preservation of his life and health.

The facts leading to the Application are well known. Very large amounts of public moneys have been diverted from Banks and other financial institutions into private pockets. Today even after months of investigation by the investigation agencies, there is still no trace of the major portion of this money.

This Application cannot be looked at in isolation. It will be setting a precedent for various such other applications which are bound to follow. Need for release of money can and will be varied. In my view, by this Application, even though put on a very humanitarian ground, what the Applicant is in effect asking for is special treatment. Once a person is notified, certain consequences are bound to follow. The Applicant's case is not unique in that respect. Just by way of example, persons who are adjudged insolvents would also face similar situations. A person who is notified must necessarily have to learn to live like any ordinary citizen. He cannot even after being notified, expect luxuries and special treatments. As an ordinary citizen, the Applicant can always go to a Government Hospital and get the

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kidney stone removed. These types of operations are regularly performed in Government Hospitals.

The Applicant does not want that. He wants

Hospital of his choice and a special treatment.

At present a sum of Rs.30,000/- is claimed. But

this can well increase and a fresh application

for release of further funds is likely to follow.

Also to grant such an Application, would tantamount

to utilization of funds in a manner different

from that set out under Section 11 of the Ordinance.

In my view, to grant this Application would be to

set a bad precedent.

Accordingly, the Application is dismissed.

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Certified to be a true copy
J. B. Chaudhary 20.8.93
OFFICER ON SPECIAL DUTY
Office of the Special Court
Bombay.

Applied on 20.8.93
Pages ③
Examined by R.M. Kubaal
Compared with B.S. Kadam
Ready on 20.8.93
Delivered on 20.8.93