

**IN THE COURT OF HON'BLE CHIEF JUDICIAL MAGISTRATE,  
OSMANABAD.**

**CRIMINAL APPLN. NO.            OF 2025**

**IN**

**Reg. Cr. Case. No. 398/ 2002**

**ON BEHALF OF:**

**ACCUSED NO. 7:**            Sanjay Hariram Agarwal,  
  
aged about 60 years, r/o 7 Hari Sava Street  
  
Kidderpore, Kolkata – 700023.

**APPLICATION FILED BY THE ACCUSED NO. 7 (SANJAY HARIRAM  
AGARWAL) FOR SEEKING EXEMPTION TO ATTEND/ APPEAR BEFORE  
THE COURT FOR A PERIOD OF TWO WEEKS.**

The Accused No. 7 most humbly and respectfully submits as under;

1. That the Accused No. 7 [hereinafter “applicant”] vide application on the previous hearing date had brought to the notice of the court the following circumstances.
  - A. That while the Applicant was being in Delhi to pursue the application seeking extension of time for 3 months for completion of the trial before the Hon’ble Supreme Court, the Applicant had suffered a severe asthmatic attack and had to be admitted to the emergency ward of NEO Hospital, Sector 50, Noida. That the Applicant was thereafter referred to a pulmonologist, Dr. Shikha Jindal Gupta (MD) who after conducting necessary medical examinations and tests, prescribed medicines and advised complete rest for three (3) days while remaining indoors. The Applicant has been further advised to revisit on 18.11.2025 for further check-ups and follow-up consultation by the doctor. Copies of the medical prescription and the test reports were filed alongwith the earlier application and are part of record.

B. That owing to his present medical condition and aggravated asthma, the Applicant was unable to travel or attend the proceedings on 12.11.2025 and prayed for exemption from attending the court proceedings for 10 days.

2. However, on such application, time was only granted till 17.11.2025.
3. It is submitted that Sanjay Hariram Agarwal's health was not improving in Delhi and the severe deterioration in air quality was further aggravating his respiratory condition, his family urgently called him back to Kolkata for immediate care and supervision. Accordingly, as the applicant has no one in Delhi to take care of him, he travelled from Delhi to Kolkata. During this travel, he was exposed to the toxic air conditions prevailing in Delhi, which further triggered a resurgence of breathlessness and wheezing. Upon reaching Kolkata, his condition worsened acutely, and owing to severe respiratory distress, he had to be admitted to the hospital on 16.11.2025. The doctor's recommendation for urgent admission along with the medical records is annexed hereto as **Annexure A-1 (COLLY)**. In these circumstances, the Applicant is medically incapable of travelling and is consequently unable to remain present before this Hon'ble Court on 17.11.2025.
4. It is further submitted that this Hon'ble Court on earlier occasion and in the last order has referred to the order Hon'ble Supreme Court, wherein it was mentioned that the Trial Court was to be completed in a time bound manner by November 2025. It is submitted that the Hon'ble Supreme Court vide order dated 17.07.2025 has directed to "*expedite the trial and make an endeavour to complete the trial in or before the month of November, 2025.*" It is most respectfully clarified that the Supreme Court has not imposed a mandatory or peremptory deadline, nor has the Hon'ble Court directed the trial to be a "time-bound trial" as such direction cannot be read to be so nor could be the intent of the Hon'ble Supreme Court as the same would run contrary to the 5 Judges bench judgement of Hon'ble Supreme Court in High Court Bar Association, Allahabad v. State of U.P. & Ors. [2024] 2 SCR 946 : 2024 INSC 150 where in para 32 Hon'ble Supreme Court has held "*Therefore, constitutional Courts should not normally fix a time-bound schedule for disposal of cases pending in any Court. The pattern of pendency of various categories of cases pending in every Court, including High Courts, is different. The situation at the grassroots level is better known to the judges of the concerned Courts. Therefore, the issue of giving out-of-turn priority to certain cases should be best left to the concerned Courts.*"

5. The Hon'ble Supreme Court has therefore carefully used the operative expression "***to make an endeavour***", which is a direction of best efforts, not a rigid mandate requiring completion irrespective of circumstances which are beyond control of accused or prosecution, which has been left to the concerned courts which are best judge to understand the "*situation at the grassroots level*" as held by the Constitution bench of 5 judges of Hon'ble Supreme Court.
6. It is a settled principle that directions to "endeavour" do not override statutory safeguards or constitutional protections available to an accused. Most importantly, they cannot compel the completion of trial in violation of the Applicant's fundamental right to a fair trial under Article 21, particularly at a crucial stage such as recording of statement under Section 313 CrPC, which is a personal, non-delegable right and constitutes an essential component of natural justice.
7. The Applicant submits that if the trial is pushed forward by all means despite the Applicant's medical inability to appear, the consequences would be irreversibly prejudicial, vitiating the fairness of the entire proceeding. At this stage, the presence of the Applicant is not merely procedural, it is substantive, as the answers under Section 313 directly affect the defence, and ultimately the outcome of the case.
8. The Applicant reiterates that his present inability to appear is neither deliberate nor avoidant, but caused by a medically emergent condition. The Applicant is currently been admitted in Hospital and cannot travel, and forcing physical appearance, while he is unstable, at the behest of the prosecution may itself trigger a serious medical event.
9. In these circumstances, a brief extension of two weeks is neither unreasonable nor inconsistent with the Supreme Court's order. Granting such short accommodation would balance the Applicant's constitutional rights with the Hon'ble Court's commitment to expeditious completion of the trial.

### **PRAYER**

In view of the above, it is most respectfully prayed that this Hon'ble Court may be pleased to

- a) Defer the proceedings and the presence of Accused No. 7 (Sanjay Hariram Agarwal) before the court for a period of two weeks for the present; and
- b) Pass such other and further orders as this Hon'ble Court may deem fit and proper in the interests of justice.

Place:

Date:

Through

Counsel for the Applicant

*Dr. Molla Abul Kasem*

M.B.B.S (Cal)

Regd. No. 34835 (WBMC) FCGP (INDIA)

Mobile : 9831120882

9674523664



**BELLONA**

**NURSING HOME & DIAGNOSTIC**

**CENTRE PRIVATE LIMITED**

51A, Diamond Harbour Road,

Kolkata - 700 027, West Bengal

T : 24487059 / 24490302 / 9830019784

E : bellonapvt@gmail.com

W : thebellona.com

11 A.M. to 1 P.M. & 7-9 P.M.

SUNDAY by Appointment only

Name :

Age : ..... Gender : .....

Date : .....

This is to certify that Mr. Sanjay Agawal, 61 years old  
of 7 Harisawa Street, Kolkata 700023 is suffering  
from COPD & T2RF (Type II Respiratory failure) and  
under my treatment at Nursing Home from 16/11/2025.  
He is to continue lifesaving treatment at hospital  
till recovery.

S. Agawal  
Signature  
attested by.

*Dr. M. A. Kasem*  
17/11/2025  
DR. M. A. KASEM  
MBBS (CAL)  
Regd. No.- 34835 (WBMC)

*M. Agawal*  
17/11/2025

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**NABH Certified**  
11 A.M. to 1 P.M. & 7-9 P.M.  
SUNDAY by Appointment only

Name: Sanjoy Agarwal

Age: 60yr Gender: Male

Date: 16/11/2025

Rx

A-COPD - Acute exacerbation

B.P. - 130/70 mm Hg.

Chest - B/L crepts (+)

Ronchi (+)

Urgent Admission at Hospital.

*Abul Kasem*  
16/11/25  
1-50pm

DR. M. A. KASEM  
MBBS (CAL)  
Regd. No.- 34835 (WBMC)



# BELLONA NURSING HOME & DIAGNOSTIC CENTRE PVT. LTD.

51A, DIAMOND HARBOUR ROAD, KOLKATA-700027  
WEST BENGAL, INDIA

Phone : 9674367750, 98300 19784, FAX:033 2839-1506  
CIN : U85110WB2010PTC144762, License No.: 34248145  
E-mail : bellonapvt@gmail.com PAN NO AAECB0817D



## ADMISSION FORM

IPD/2025-26/0002808

ADMISSION NO. : IPD/2025-26/0002808      ADMISSION DATE & TIME : 16/11/2025 4:29PM

PATIENT NAME : SANJAY AGARWAL      AGE : 60 Yrs.      GENDER : Male

ADDRESS : 7, HARI SAVA STREET, KHIDDERPORE      RELIGION : Hindu

KOL- 700023, PS- WATGUNJ      STATUS : Married

AREA : KOLKATA      PHONE NO. : 9667527222 / 9830719081

OCCUPATION : Business      NATIONALITY : INDIA

W/O S/O D/O : LT. HARI RAM AGARWAL (FATHER)      ID / PASSPORT NO. :

RELATIVE NAME : VIJAY AGARWAL (BROTHER)      RELATION : S/O

BED NO. : 309      DEPARTMENT : PRIVATE CABIN

UNDER CARE : Dr. M. A. KASEM

COMPANY :

I do hereby give my full consent to undertake treatment of above patient by Medical Management, Surgical Management, Intensive Care at this Nursing Home.

I, VIJAY AGARWAL in my full sense hereby authorize Dr. M. A. KASEM & Such Associates, Doctors, Consultants, Nurses & Paramedical staff of Hospital to conduct all necessary Investigation, Medical / Surgical / Procedure on me/my patient under General or regional anaesthesia as deemed suitable for the same.

I agree to pay all the bills and when submitted by hospital authority for my/my patient's treatment, and clear all the dues of Nursing Home incurred for the treatment of the patient before discharge / DORB.

I shall not hold the institution, its staff and the doctors responsible for any unwanted consequences during the course of medical treatment and the surgery administration of anaesthesia / drug or investigation/treatment etc.

I have been fully explained the consequences of the procedures and their risks.

**GENERAL NORMS FOR PATIENT ADMISSION :**

1. An ADVANCE PAYMENT should be made at the time of admission accordingly.
  - a) Rs. 6000/- For GENERAL WARD.
  - b) Rs. 8000/- For CABINS.
  - c) Rs. 15000/- For ICU / HDU
2. A minimum of 80% to 85% amount of the surgery package must be paid before the operation.
3. Patient should NOT bear any cash, valuables, mobile phone etc. during his/her stay in the Nursing Home.
4. Only two persons are allowed during visiting hours, childrens are allowed only on Sunday evening
5. No foods from outside are allowed without prior permission.
6. Patient availing cashless facility should submit His/Her documents at the Insurance Desk
7. Patient party should enquire about there outstanding payment regularly from the respective counters, so that maximum outstanding does not exceeds Rs. 10,000/-
8. Shifting from ICU to Ward depends on bed availability.
9. PATIENT / PARTIES ID DOCUMENT IS MANDATARY . PLEASE PROVIDE US AT THE EARLIEST.

Witness Signature with relation :  
Contact No :

S. Bharatal  
Signature of Patient/ Party

Full charge on the day of the admission. No charge if the patient leaves before 11:30 am on the day of discha

### FOR OFFICE USE

Date & Time of Admision : 16/11/2025 4:29PM      Admission No. : IPD/2025-26/0002808      Bed No : 309

Under Care Doctor      Dr. M. A. KASEM      Department : PRIVATE CABIN

VEGETERIAN       YES       NO      Insurance / TPA / CORPORATE

Patient's History :       Diabetic       HTN       Asthma       Cardiac

Allergies to Food and/or Drugs :       Asprin / Ecosprin       Clopitogril       Others

Signature of the Front Office Executive : M. Saem Khan      DATE : 16/11/25

## II. PHYSICAL EXAMINATION

### GENERAL :

Build :  
Height :  
Weight :  
Pallor :  
Icterus :

NVD

Clubbing :  
Lymphnodes :  
Oedema :  
Cyanosis :

NVD

Vital Signs: Pulse: 98 bpm RR: 20/min Temp: Afebrile B.P.: 110/70

### C. V. S. :

Heart Rate and Rhythm :  
Peripheral Arterial Pulsations :  
Heart Sounds :  
Murmurs :  
Any other Abnormal Finding :

S1 S2 (+)

### RESP. SYST :

Rate and Type :  
Abnormal Finding (if any) :

B/L  
Crpts (+)  
Rhonchi (+)

### ABDOMEN :

Mouth and Throat :  
Palpable Organ / Mass :  
Ascitis :  
Other Abnormal Finding (if any) :

NVD

### C. N. S. :

SPEECH :  
Higher Cortical Function :  
Cranial Nerves :  
Motor System :

NNL

Reflexes :  
Cerebellar Function :  
Funds Exam. :  
Sensory System :

NNL

### SKIN :

### BONES AND JOINTS :

### ENDOCRINE SYSTEM AND GENITALS :

### LOCAL EXAM. :

### PROVISIONAL DIAGNOSIS :

Acute exacerbation of Asthma  
under evaluation.

### TREATMENT :

Conservative Management

Dr. Saizidur Rahman  
103488/WBMD  
Medical Officer