

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

WP(C).No. 22376 of 2015 (V)

PETITIONER :

**JOY, S/O.PAULOSE, AGED 50 YEARS,
MANDAPATHIL HOUSE, THOPPUMPADY VILLAGE,
KOCHI THALUK, ERNAKULAM, KOCHI-5.**

BY ADV. SRI.SHERRY J. THOMAS

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY, HOME DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. DIRECTOR GENERAL OF POLICE,
STATE POLICE HEADQUARTERS, VELLAYAMBALAM,
CITY-THIRUVANANTHAPURAM, PINCODE-695 010.**
- 3. DIRECTOR GENERAL OF PRISONS AND CORRECTIONAL SERVICES,
PRISONS HEADQUARTERS, POOJAPPURA,
THIRUVANANTHAPURAM-695 012.**
- 5. CITY POLICE COMMISSIONER,
REVENUE TOWER, ERNAKULAM, KERALA -682 011.**
- 6. STATION HOUSE OFFICER, POLICE THOPPUMPADY POLICE STATION,
TAGORE ROAD, THOPPUMPADY, KOCHI, KERALA- 682 005.**
- 7. SUPERINTENDENT,
SUB JAIL, MOULANA AZAD ROAD, NEAR POLICE STATION,
MATTANCHERRY, KOCHI, KERALA -682 002.**
- 8. SUPERINTENDENT,
GENERAL HOSPITAL, HOSPITAL ROAD, ERNAKULAM,
KERALA -680 011.**

BY ADDL.DGP SRI.TOM JOSE PADINJAREKARA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: THE TRUE COPY OF THE PHOTOGRAPH OF THE FOREHEAD AND EYE INJURY OF THE FRIEND OF PETITIONER'S CHILDREN ARJUN.

EXHIBIT-P1A: THE TRUE COPY OF THE PHOTOGRAPH OF THE HEAD INJURY OF THE FRIEND OF PETITIONER'S CHILDREN ARJUN.

EXHIBIT-P2: THE TRUE COPY OF THE CT SCAN OF BRAIN OF PETITIONER'S YOUNGER SON JIBIN.

EXHIBIT-P2A: TRUE COPY OF THE FOLLOW UP CERTIFICATE ISSUED BY THE DOCTOR.

EXHIBIT-P2B: THE TRUE COPY OF THE DISCHARGE SUMMARY FROM MEDICAL TRUST HOSPITAL.

EXHIBIT-P3: THE TRUE COPY OF TREATMENT RECORDS OF THE WIFE OF THE PETITIONER.

EXHIBIT-P4: THE TRUE COPY OF THE REQUEST DATED 23.7.15 SUBMITTED BY THE PETITIONER TO THE 7TH RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

=====

W.P.(C) No.22376 of 2015

=====

Dated this the 24th day of July, 2015

JUDGMENT

The prayers and interim relief sought for in this W.P.(C) are as follows:

- [i] Call for the entire records pertaining to the medical examination of the accused in crime No.897/2015 of Thoppumpady Police Station.
- [ii] To issue a Writ of Mandamus or any other order or direction to the 7th Respondent to avail medical treatment to the petitioner's younger son Jibin at any well equipped hospital and also to the other accused in the above said crime.
- [iii] To issue a Writ of Mandamus or any other order or direction to the 8th Respondent to report the injuries on the body and finger of Petitioner's younger son Jibin, injuries on the body of elder son Akhil and another accused Jenson in crime No.897/2015 of Thoppumpady Police Station and avail proper treatment.
- [iv] Such other relief's that this Honourable Court may deem fit and proper to grant in the interest of justice.
- [v] Award cost of the proceedings.

“.....to direct the the 7th respondent to move the petitioner's younger son Jibin, who is in judicial custody in Crime No.897/2015 of Thoppumpady Police Station, to any well equipped hospital for treatment, pending disposal of the writ petition.”

2. When the matter had come up for consideration today

morning, Sri. Tom Jose Padinjarekkara, the learned Additional DG of Prosecution and Additional State Prosecutor had requested that short time may be granted to get instruction in the matter and make necessary submissions today afternoon itself in view of the extreme urgency expressed by the learned counsel for the petitioner. Now after getting instruction from the respondent Nos. 6 and 7, Sri.Tom Jose Padinjarekkara, learned Additional DG of Prosecution submitted that the three accused concerned in Crime No. 897/2015 of Thoppumpady Police Station will be got examined by the doctors of District General Hospital, Ernakulam today itself. Sri.Sherry J.Thomas, learned counsel for the petitioner submitted that necessary directions may be given to ensure that the injuries if any found on these three accused after such medical examination may be got recorded as per the prescribed procedure.

3. The learned Addl.D.G of Prosecution, immediately responded by submitting that he will ensure that after the thorough medical examination of these three accused, the injuries if any, pertaining to these three accused will certainly be got recorded as per the prescribed procedure and that he will give necessary instructions in that regard to the 8th respondent, Superintendent of

General Hospital, Ernakulam on that aspect. Sri.Sherry J. Thomas learned counsel for the petitioner submitted that certificate or medical record in that regard should also be made available to the accused persons concerned and to their counsel and who is authorised with memo of appearance of such accused persons concerned.

4. It is directed that the necessary action in this regard for furnishing these details will be done as per the prescribed procedure.

With these observations and directions the W.P.(C) stands finally disposed of .

Sd/- ALEXANDER THOMAS, JUDGE

MJL

