

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2015

CORAM:

THE HON'BLE MR. JUSTICE R.SUDHAKAR
AND
THE HON'BLE MR. JUSTICE P.N. PRAKASH

H.C.P. No.1712 of 2015

S.Kannammal

Petitioner

vs.

- 1 The State of Tamil Nadu
rep by the Secretary to Government
Home, Prohibition and Excise Department
Secretariat
Chennai 600 009.
- 2 The Additional Director General of Police &
Inspector General of Prisons
Gandhi Irwin Road
Egmore, Chennai 600 008.
- 3 The Superintendent of Prisons
Central Prison
Cuddalore.

Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India seeking a direction to the respondents to provide proper medical treatment and release the petitioner's son namely S.Durairajan, Son of Sellamuthu, Ct No.13811 now confined in Central Prison, Cuddalore, on medical grounds.

For petitioner

Mr.P.Pugalenth

For RR 1 to 3

Mr.Thambithurai
Additional Public Prosecutor

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

This petition has been filed seeking a direction to the respondents to provide proper medical treatment and release the petitioner's son namely S.Durairajan, Son of Sellamuthu, Ct No.13811 now confined in Central Prison, Cuddalore, on medical grounds.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. It is the case of the petitioner that the detenu suffers very serious physical impairment, on account of which he seeks premature release in terms of Rules 620 and 632 of the Tamil Nadu Prison Manual, Volume II. The prison authorities have filed their counter, wherein, they have stated that the detenu was examined by the Medical Board of the Government Headquarters Hospital, Cuddalore on 10.08.2015 and 11.08.2015 and the Board has opined, that there is no evidence of imminent life threatening opportunistic infection and the patient is stable and serologically no evidence of immunological failure. Normally a proposal for release under Rule 632 of the Rules should be initiated by the Superintendent, in consultation with the Collector of the District and the recommendation should thereafter be forwarded to the Government. In this case, the papers have not been placed before the Collector.

4. Under such circumstances, the Superintendent, Central Prison, Cuddalore is directed to send the representation dated 28.06.2015 along with the medical records to the District Collector, Cuddalore within four weeks from the date of receipt of a copy of this order and on receipt of the same, the District Collector, Cuddalore shall pass appropriate orders as expeditiously as possible, in terms of Tamil Nadu Prison Manual, Volume II.

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With the above direction, this Habeas Corpus Petition is disposed of.

Sd/-
Assistant Registrar (CO)

True Copy

Sub Assistant Registrar

To

- 1 The Secretary to Government
Home, Prohibition and Excise Department
Secretariat
Chennai 600 009.
- 2 The Additional Director General of Police &
Inspector General of Prisons
Gandhi Irwin Road
Egmore, Chennai 600 008.
- 3 The Superintendent of Prisons
Central Prison
Cuddalore.
- 4 The Public Prosecutor
High Court of Madras
Chennai.

+1cc to Mr.P.Pugalenthir, Advocate sr.60261

H.C.P.No.1712 of 2015

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srg 4/11/2015

सत्यमेव जयते

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