

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUDHAKAR
AND
THE HONOURABLE MR. JUSTICE P.N.PRAKASH

H.C.P. NO. 2090 OF 2014

K.Manikandan

.. Petitioner

- Vs -

1. The Additional Director
General of Police
CMDA Tower 2nd Floor
Gandhi Irwin Road
Egmore, Chennai 600 008.
2. The Superintendent of Police
Central Prison, Coimbatore.
2. The Inspector of Police
Gobichettipalayam Police Station
Erode District.

... Respondents

Petition filed for the issuance of a writ of habeas corpus directing the second respondent to grant leave to the petitioner's father Kuppusamy, aged 80 years, son of Rama Boyan, confined in prison under the second respondent herein for a period of six months to enable the detenu to take treatment for his breathing complaint's in the higher centers.

For Petitioner : Mr. T.Muruganantham

For Respondents : Mr. M.Maharaja, APP

ORDER

(DELIVERED BY R.SUDHAKAR, J.)

This petition has been filed by the petitioner, the son of the detenu, for a direction on the second respondent to grant leave to the petitioner for a period of six months to enable the detenu to take treatment for breathing complaints.

2. The detenu stands convicted for the offence of murder by the trial court, which, on appeal, has been affirmed by the High Court as well as the Supreme Court. At present, the detenu is

under incarceration in Central Prison, Coimbatore. It is further evident from the petition that the detenu is suffering from ailment for which treatment was taken in the jail hospital and, thereafter at Coimbatore Medical College Hospital. The plea of the detenu is that he is suffering from breathing problems and, therefore, the present petition has been filed with the prayer as made above, long before.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. At the outset it has to be stated that the issue has become stale. The petition was filed in the month of August 2014, but the petitioner and his counsel took frequent adjournments, which is evident from the docket entry. It may be that at the present the problem is not subsisting and, hence, the petitioner and his counsel is not interested in pursuing the matter.

5. In such view of the matter, no purpose would be served in keeping the petition pending. Accordingly, nothing survives for adjudication for the present. However, if there is any health complaint to the detenu in the future, the jail authorities shall look into the same and give the necessary treatment. With the above observation, this petition is dismissed.

GLN

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Additional Director General of Police
CMDA Tower 2nd Floor, Gandhi Irwin Road
Egmore, Chennai 600 008.
2. The Superintendent of Police, Central Prison,
Coimbatore.
3. The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.
4. The Public Prosecutor, High Court, Madras.

KJI/CO
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