

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.25660 of 2015

C.Ramalingam

... Petitioner

Vs

1. The state of Tamil Nadu represented by
The Superintendent of Prison,
Central Prison II,
Puzhal, Chennai - 600 066.
 2. The Director,
Govt. Royapettah Hospital,
Royapettah, Chennai - 14.
 3. The State by Inspector of Police,
CCB, Team - III, E.D.F.-II,
Vepery, Chennai - 7.
Crime No.431/2011
- Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the first and second respondents to refer the accused P.Ahok Kumar, S/o.Paramasivam, to the Medical Board immediately, to ascertain the health condition of the accused and send him to the prison from the Government Royapettah Hospital based on the representation dated 09.10.2015.

For Petitioner : Mr.R.Mohandoss

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to direct the first and second respondents to refer the accused P.Ashok Kumar, S/o.Paramasivam, to the Medical Board immediately, to ascertain the health condition of the accused and send him to the prison from the Government Royapettah Hospital, based on the representation dated 09.10.2015.

2. The petitioner herein lodged a complaint as against the accused Ashok Kumar and others and the third respondent police has registered a case on 22.09.2011 in Crime No.431 of 2011 for the alleged offences under sections 406, 420, 465, 467, 468, 471 r/w.34 of IPC for cheating, fraud, criminal breach of trust and creating and using fabricated and concocted documents against the said Ashok Kumar and some other persons. On 19.4.2013, the anticipatory bail petition filed by the said Ashok Kumar was dismissed. Again on 15.10.2015, the anticipatory bail petition filed by him was also dismissed. The third application filed by the said Ashok Kumar was also dismissed on 17.11.2014. The said Ashok Kumar having failed in his attempts for getting an anticipatory bail for three times, filed Crl.O.P.No.4398 of 2015 by suppressing the dismissal of the earlier applications and obtained anticipatory bail. The said anticipatory bail granted to the said Ashok Kumar was cancelled by this Court on 17.08.2015 in Crl.O.P.No.10420 of 2015. Thereafter, he was arrested and remanded to judicial custody. But some how, using his political influence, he got admitted himself in the Government Royapettah Hospital stating the he is a heart patient. Actually, the said Ashok Kumar is not a heart patient. Hence, this petitioner has been filed this Criminal Original Petition.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. The learned Additional Public Prosecutor submitted that the petitioner was discharged from the hospital and now he is inside the prison.

5. In view of the submissions made by the learned Additional Public Prosecutor, as the accused Ashok Kumar has already been discharged from the hospital and has been sent to prison, nothing survives in this petition and the petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Superintendent of Prison,
Central Prison II,
Puzhal, Chennai - 600 066.
2. The Director,
Govt. Royapettah Hospital,
Royapettah, Chennai - 14.
3. The State by Inspector of Police,
CCB, Team - III, E.D.F.-II,
Vepery, Chennai - 7.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Mohandoss, Advocate, S.R.No.62258

सत्यमेव जयते

Cr1.O.P.No.25660 of 2015

VS (CO)
CA(08/12/2015)

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