

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

WP.No.9923/2015 & MP.No.1/2015

G.Mohanakrishnan

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Petitioner

Versus

1.The Inspector of Police
Guduvancherry Police Station
Kancheepuram District.

2.The Dean
Government General Hospital
Royapettah, Chennai-600014.

3.The Superintendent of Police
Central Prison, Puzhal.

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Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to provide proper medical treatment to the petitioner in the 2nd respondent Hospital till he recovers completely from his ailment.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.R.Vijayakumar, AGP

ORDER

Heard Mr.S.Doraisamy, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice for the respondents and with their consent, the writ petition itself is disposed of at the admission stage itself.

2.The petitioner has filed this writ petition seeking to direct the respondents to provide proper medical treatment to the petitioner in the 2nd respondent Hospital till he recovers completely from his ailment.

3.In the affidavit filed by the daughter of the petitioner, her father/the petitioner herein, has been implicated as an accused in a case registered in Cr.No.221/2015 for the alleged offence u/s.306

IPC, as the deceased Tamilvanan committed suicide on the abatement of the petitioner herein. It is the further case of the petitioner that an anticipatory bail has also been filed before this Court in CrI.OP.No.6695/2015 and the matter is adjourned to 06.04.2015 since the father of the deceased has filed an impleading petition in the anticipatory bail.

4.The petitioner was arrested by the 1st respondent police on 31.03.2015 and he was produced before the learned Judicial Magistrate, Chengalpattu and was remanded to the judicial custody for fifteen days. It is his further case that as he suffered chest pain, he was taken to the Government Hospital at Chengalpattu, where first aid was given and thereafter, he was taken to the

Central Prison, Puzhal and upon his request, he underwent medical check up in the prison hospital, from where he was referred to the Government Hospital, Royapettah around 1.00 a.m. [midnight]. According to the petitioner, he is 60 years old and is a heart patient and suffering from other health problems which are mentioned in the medical report given by the Apollo Hospital. When he went to the Apollo Hospital, Chennai, for Angiogram test, he was advised by the doctors to take bed rest and that he has to undergo Blood Pressure check up twice a day and Blood Sugar test everyday. Further, the insulin should be administered for Blood Sugar depending upon the Glucose level everyday.

5.The further case of the petitioner is that the Discharge Summary issued by the Apollo Hospital states that discontinuation of medication can cause sudden Heart attack and may even result in death. The petitioner submits that unless the Blood Pressure and Blood Sugar are regularly checked up, the medicine cannot be administered. The petitioner states that he wants to be alive to face the trial in the above criminal case.

6.Learned Additional Government Pleader would submit that in order to come out of the Prison, the petitioner is projecting as if he is a patient and that if any health complaint is received from the petitioner in the prison, the prison

hospital will provide adequate treatment to him and if any further treatment is required, the same shall be provided in the Government Hospital concerned.

7.A perusal of the Discharge Summary dated 01.11.2014 given by the Apollo Hospital, Chennai, clearly shows that the petitioner should continue the medication, failing which, he may have a heart attack. Further, it is stated in the said Discharge Summary that the petitioner was admitted in the hospital on 30.10.2014 and discharged on 01.11.2014 and the condition of the petitioner was stable. This

Court is of the considered view that the petitioner cannot rely upon a document which has been given six months back and now contend that if the petitioner is not given proper and adequate treatment, he may get heart attack. Further, the said Discharge Summary clearly states that the Heart rate is 64 per minute and Blood Pressure is 130/80 and Normal Heart sound. The Echo shows that the petitioner has LV normal in size and normal LV function. That being the case, based on the Discharge Summary issued on 01.11.2014, the petitioner cannot pray that he should be provided with medical treatment till he recovers completely from the ailment. Further, the petitioner is not suffering from any ailment, as evidenced from the Discharge Summary. As of now, the petitioner is admitted in the Government Hospital, Royapettah, for treatment and it is for the doctors to examine him and give treatment depending upon his health condition. This does not mean that this Court has approved the ill-health condition of the petitioner.

8. In the result, I find that no ground has been made out by the petitioner warranting issuance of any direction to the respondents as sought for by the petitioner. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The Inspector of Police
Guduvancherry Police Station
Kancheepuram District.

2. The Dean

Government General Hospital
Royapettah, Chennai-600014.

3. The Superintendent of Police
Central Prison, Puzhal.

1 cc to Mr.S.Doraisamy ,Advocate, SR.No.18614

1 cc to Government Pleader, Sr.No18616

WP.No.9923 of 2015

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pmk.1.4.2015