

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2016

CORAM:

THE HON'BLE MR.JUSTICE B.GOKULDAS

W.P..No.17929 of 2016

R.Bakkiyammal

... Petitioner

Vs.

1. The Additional Director General of Police (Prisons)  
O/o. the Additional Direction General of Police (Prisons)  
Department of Prisons,  
Chennai Metropolitan Development Authority Building  
Tower-II,  
No.1, Gandhi Irwin Salai,  
Egmore, Chennai-600 008.
  2. The Deputy Inspector General of Prisons,  
O/o. the Deputy Inspector General of Prisons,  
Chennai Range,  
Chennai Metropolitan Development Authority Building  
Tower-II,  
No.1, Gandhi Irwin Salari, Egmore, Chennai-600 008.
  3. The Superintendent of Prisons  
Central Prison,  
Vellore-632 002.
  4. The Inspector of Police,  
Tiruvannamalai East Police Station,  
Tiruvannamalai.
- ... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to issue a Writ of Mandamus directing the respondents herein to give proper treatment to the petitioner's son namely Gopal @ Gandhi @ Rajagopal (now detained in the Central prison, Vellore) either in the Government Mental Hospital or in any Private Mental Hospital for his speedy recovery to become a normal person within the stipulated time as fixed by this Court based upon her representation dated 20.04.2016.

For Petitioner : Mr.S.Kumaradevan

For Respondents : Mr.P.Sanjay Gandhi,  
Additional Government Pleader

## ORDER

This Writ Petition has been filed seeking an order to issue a Writ of Mandamus directing the respondents herein to give proper treatment to the petitioner's son namely Gopal @ Gandhi @ Rajagopal (now detained in the Central prison, Vellore) either in the Government Mental Hospital or in any Private Mental Hospital for his speedy recovery to become a normal person within the stipulated time as fixed by this Court based upon her representation dated 20.04.2016.

2. The petitioner herein is the mother of the detenu, viz., Gopal @ Rajagopal aged about 28 years, who was detained in the ground case in Cr.No.40 of 2016 under Section 294(b), 506(ii), 392 read with 397, 506(i) of I.P.C. on 15.01.2016 and in the adverse case in Crime No.28 of 2016 under Section 363, 323, 506(ii), 376 read with 392 IPC.

3. Learned counsel for the petitioner submitted that the detenu, son of the petitioner is the share-auto driver plying TATA Ace Share Auto in and around Tiruvannamalai Town. It is further submitted that based on the complaint given by one Kavitha, he was arrested by the fourth respondent police. In pursuance of the brutal attack and arrested by the fourth respondent, the petitioner's son became mentally ill and hence, the concerned learned Judicial Magistrate advised the prison authority to give proper treatment to the detenu. However, the third respondent has not given proper treatment to the detenu for his mental illness and he is not speaking to any one including the petitioner, mother of the detenu and his father. Thereafter, the petitioner has made a representation on 20.04.2016 to the respondents 1 to 3 requesting to give proper treatment to the detenu either in Government Mental Hospital or in any Private Mental Hospital for his speedy recovery to become a normal person. The respondents 1 and 2 have received the same on 25.04.2016 and 23.04.2016 respectively. Though they have received the representation, till date there is no action taken by them. Hence, the petitioner has approached this Court by way of filing this writ petition.

4. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader for the respondents.

5. Having gone through the averments made in the affidavit, based on the arguments advanced by the learned counsel for the petitioner and considering the mental ill-health of the detenu, the respondents are directed to consider the representation made by the petitioner and the concerned Jail Authority is directed to give suitable medical assistance to the petitioner's son/detenu.

6.With the above direction, this writ petition is disposed of. No order as to costs.

Sd/-  
Vacation Officer

//True Copy//

Sub Assistant Registrar

kal/ssd

To

1. The Additional Director General of Police (Prisons)  
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3. The Superintendent of Prisons  
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Vellore-632 002.
4. The Inspector of Police,  
Tiruvannamalai East Police Station,  
Tiruvannamalai.

+1cc to Mr.S.Kumaradevan, Advocate, S.R.No.28792  
+1cc to the Government Pleader, S.R.No.28852

W.P.No.17929 of 2016

SV(CO)  
CA(30/05/2016)