

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

Coram:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.619 of 2016

N.Visalakshi

... Petitioner

Vs.

1. The Government of Tamilnadu
rep. by its Secretary to Government
Home (Prison) Department
Fort St.George
Chennai-09.
2. The Additional Director General of Prisons
Thalamuthu Natarajan Maligai
II Floor, Gandhi Irwin Road
Egmore, Chennai-08.
3. The Superintendent of Central Prisons
Vellore Central Prison
Vellore.
4. The Superintendent of Central Prisons
Central Prison
Puzhal, Chennai.

... Respondents

Habeas Corpus Petition has been filed for a Writ of Habeas Corpus, directing the respondents 1 to 3 to shift/transfer the detenu P.Nagendran, aged 48 years, to the Central Prison, Puzhal, Chennai, from the Central Prison at Vellore, enabling the detenu with adequate medical assistance at the "Rajiv Gandhi Government Hospital" at Chennai.

For petitioner : Ms.A.Thangavadhana Balakrishnan

For respondents : Mr.A.N.Thambidurai
Additional Public Prosecutor

O R D E R

(Order of the Court was made by M.JAICHANDREN,J)

This Habeas Corpus Petition has been filed, by the wife of the detenu, praying that this Court may be pleased to issue a Writ of Habeas Corpus, to direct the respondents 1 to 3, to transfer the detenu, namely, P.Nagendran (Life Convict No.1236), aged about 48 years, to the Central Prison, Puzhal, at Chennai, from the Central Prison, at Vellore, to enable the detenu to get adequate medical assistance at the "Rajiv Gandhi Government Hospital, Chennai"

2. The petitioner, who is the wife of the detenu, has stated that, her husband, namely, P.Nagendran, who has been detained in Central Prison, Vellore, is suffering from liver ailment. Therefore, he has to be treated at the "Rajiv Gandhi Government Hospital, Chennai". The petitioner has also stated that, a letter, dated 18.03.2016, has been issued by the Dean, Government Vellore Medical College and Hospital, Vellore, stating that the convict should be treated at the "Rajiv Gandhi Government Hospital, Chennai", for the liver ailment, which he is suffering.

3. Based on the letter written by the Dean, Government Vellore Medical College and Hospital, Vellore, the 3rd respondent, has made a proposal to the 2nd respondent to get appropriate orders for the treatment of the convict, namely, P.Nagendran (Life Convict No.1236), at the, "Rajiv Gandhi Government Hospital, Chennai". However, no orders have been passed for the transfer of the convict, namely, P.Nagendran (Life Convict No. 1236), from the Central Prison, Vellore, to the Central Prison, Puzhal, at Chennai, for the treatment being given to the convict.

4. In such circumstances, we find it appropriate to issue a direction to the 3rd respondent, to bring the convict, namely, P.Nagendran (Life Convict No.1236), who is at present lodged in the Central Prison, Vellore, to the "Rajiv Gandhi Government Hospital, Chennai", for getting an opinion from the Dean of the said hospital, with regard to the treatment that is to be given for the liver ailment, which the convict is said to be suffering. Thereafter, based on the medical opinion given by the Dean of Rajiv Gandhi Government Hospital, Chennai, the authorities concerned shall pass an appropriate order, with regard to the request of the petitioner for the transfer of the convict, namely, P.Nagendran (Life Convict No.1236), from the Central Prison, Vellore, to the Central Prison, Puzhal, at

Chennai. The above said process shall be completed within a period of two weeks from the date of receipt of a copy of this order. This Habeas Corpus Petition is ordered accordingly.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

paa

To

1. The Secretary to Government
The Government of Tamilnadu
Home (Prison) Department
Fort St.George, Chennai-09.
2. The Additional Director General of Prisons
Thalamuthu Natarajan Maligai
II Floor, Gandhi Irwin Road
Egmore, Chennai-08.
3. The Superintendent of Central Prisons
Vellore Central Prison, Vellore.
(With Copies in duplicate for
Communication to the Accused)
4. The Superintendent of Central Prisons
Central Prison, Puzhal, Chennai.
5. The Dean,
Rajiv Gandhi Government Medical College Hospital,
Chennai.
6. The Public Prosecutor,
High Court, Madras.

+1cc to Ms.A.Thangavadhana Balakrishnan, Advocate,
S.R.No.20930

H.C.P.No.619 of 2016

UG(CO)
CA(05/04/2016)