



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2016

CORAM:

**THE HONOURABLE Dr. JUSTICE S.VIMALA**

Cr1.O.P.(MD)No.15292 of 2016

M.Malaviya

.. Petitioner

Vs.

1.The Commissioner of Police,  
Madurai City, Madurai.

2.The Superintendent of Central Prison  
Central Jail, Madurai.

3.The Inspector of Police,  
Mathichiyam Police Station  
Madurai  
Crime No.815/2016

.. Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the Learned Principal District Judge Madurai to ascertain the present condition of the petitioner in the Central Prison, Madurai and further direct the 2nd respondent to admit the petitioner in the any one of the Super Speciality Hospitals in Madurai Apollo Hospital Meenakshi Mission or Vadamalaiyan Hospital for ascertaining the exact damage and injuries caused to the petitioner and to provide further necessary medical treatment.

For Petitioner : M/s.M.Subash Babu

For Respondents : Mr.K.V.Rajarajan  
Government Advocate (Criminal side)

**ORDER**

It is an application seeking a direction to the Learned Principal District Judge Madurai to ascertain the present condition of the petitioner in the Central Prison Madurai and further direct the 2nd respondent to admit the petitioner in the any one of the Super Speciality Hospitals in Madurai Apollo Hospital , Meenakshi Mission or Vadamalaiyan Hospital for ascertaining the exact damage and injuries caused to the petitioner and to provide further necessary medical treatment.



2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

3. On 18.08.2016, this Court passed the following order:

"This petition has been filed, seeking to direct the learned Principal District Judge, Madurai to ascertain the present condition of the petitioner in the Central Prison, Madurai and further direct the 2nd respondent to admit the petitioner in the any one of the Super Speciality Hospitals in Madurai, Apollo Hospital / Meenakshi Mission / Vadamalaiyan Hospital for ascertaining the exact nature of injuries sustained by the petitioner and to provide further necessary medical treatment.

2. Learned counsel for the petitioner would submit that on the basis of the complaint preferred by a Woman Sub-Inspector of Police, by name Sathiabama, the respondent police has registered a case in Crime No.815 of 2016 under Sections 294(b), 341, 336, 353, 354, 366, 384 and 307 IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in connection with which, the petitioner, who is an Advocate by profession has been arrested by the respondent police.

2.1. It is stated by the learned counsel for the petitioner that even though the petitioner was remanded by the Judicial Magistrate at 7:00am, he was lodged in the Central Prison only at 04:30pm and in the meantime, he was brutally beaten by the respondent police and that made him to feel the immobility and difficulty in walking.

2.2. It is further stated that the petitioner is a diabetic patient and therefore, he needs immediate medical treatment, as his life is in danger.

2.3. Learned counsel for the petitioner invited the attention of this Court to Section 54 Cr.P.C., which provides for examination of the arrested person by a Medical Officer. For better appreciation, Section 54 Cr.P.C., is extracted here-under:

"54. Examination of arrested person by medical officer - (1) when any person is arrested, he shall be examined by a medical officer in the service of Central or State Governments and in case the medical officer is not available by a registered medical practitioner soon after the arrest is made.

(2) The medical officer or a registered medical practitioner so examining the arrested person shall enter in the record of such examination, mentioning therein any injuries or marks of violence upon the person arrested, and the approximate time when such



injuries or marks may have been inflicted.

(3) Where an examination is made under sub-section (1), a copy of the report of such examination shall be furnished by the medical officer or registered medical practitioner, as the case may be, to the arrested person or the person nominated by such arrested person.

3. Per contra, learned Government Advocate (Crl.Side) would submit that the petitioner's health condition is not bad as stated by the learned counsel for the petitioner and he is in good condition as per the medical report available with him and therefore, there is no necessity to refer the petitioner to any other hospital.

3.1. Learned Government Advocate (Crl.Side) further seeks time to file counter affidavit with regard to the allegation made in the petition.

4. Be that as it may, irrespective of the merits of the matter, it is the right of the accused to get himself medically examined after the arrest. When serious allegations have been levelled regarding brutal attack by the respondent herein, nobody would be prejudiced, if a Medical Officer is deputed to examine the health condition of the petitioner and to file a report to this Court.

5. The learned counsel for the petitioner also made a request that in order to render assistance to the petitioner (while walking) and to extend the moral support, assistance of the Lawyer may also be permitted by this Court in order to facilitate the examination of the petitioner by the Doctor.

6. Under such circumstances, the Dean of Rajaji Government Medical College Hospital, Madurai is directed to visit the petitioner at the Central Prison, Madurai to ascertain, a) whether injuries have been sustained by the petitioner and if so, b) the nature of injuries sustained, c) the probable time within which the injuries might have been sustained, d) the overall health condition of the petitioner and to file a report to this Court with special reference to the need for further medical treatment. The petitioner's lawyer, namely, Mr.K.P.Narayana Kumar (E.No.1309/1999 & Mobile No.9443432505), is permitted to be with the petitioner at the time of medical examination.

**Post on 19.08.2016 for filing report."**



4. Today, when the matter is listed, as per the order of this Court, the Dean, Madurai Government Rajaji Hospital, Madurai, is present before this Court and submitted a report dated 19.08.2016. From the report, it is evident that the petitioner has been admitted in Prison Hospital at 10.40 a.m. and the report further reveals that except a contusion over the right kneel, all other examinations are normal.

4.This Court expects the Head of the Prison Hospital will continue to treat the petitioner until he recovers. This Court appreciates the assistance rendered by the Dean, Government Rajaji Hospital, Madurai, by promptly filing a report.

6.Recording the report of the Dean, Government Rajaji Hospital, Madurai, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

RR

To

1.The Commissioner of Police,  
Madurai City, Madurai.

2.The Superintendent of Central Prison  
Central Jail, Madurai.

3.The Inspector of Police,  
Mathichiyam Police Station  
Madurai

4.The Additional Public Prosecutor  
Madurai Bench of Madras High Court,  
Madurai.

JAM/03.11.16/SS 2 /4p-5c

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19.08.2016