



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE B.GOKULDAS

H.C.P(MD)No.510 of 2016
and
CrI.M.P. (MD)Nos.3446 and 3447 of 2016

P.Rajeswari : Petitioner
Vs.

1.State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Home (Prison V) Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Additional Director General of Prison,
Egmore, Chennai-600 008.

3.The Superintendent,
Central Prison, Madurai.

4.The District Collector,
Madurai District, Madurai.

5.The Dean,
Madurai Government Rajaji Hospital,
Madurai.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents 1 to 3 to produce the body and person of detenu namely Ravi @ Ravichandran (C.P.No.4967-Central Prison, Madurai) who is life convicted prisoner, confining at the respondent No.3 and now is in very pathetic condition due to illness and set him at liberty by releasing him under medical ground.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.C.Mayilvahana Rajendran,
Additional Public Prosecutor



O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The mother of life convict Ravi @ Ravichandran is the petitioner in this Habeas Corpus Petition. The petitioner seeks issuance of a Writ of Habeas Corpus to produce the convict before this Court and release him on medical ground.

2. The son of the petitioner, by name Ravi @ Ravichandran was an accused in Thiru.Rajiv Gandhi assassination case. He was convicted by the Trial Court, by judgment dated 28 January, 1998. The life convict is now confined at the Central Prison, Madurai.

3. The petitioner has come up with a grievance that the health condition of the life convict was very bad and he was not given proper treatment.

4. We have passed an order on 02 June, 2016 directing medical examination of the life convict. The order reads thus:

"The mother of the convict, by name Ravi @ Ravichandran (C.P.No.4967, Central Prison, Madurai) has come up with this Habeas Corpus Petition to produce him on the ground that he requires proper treatment for weight loss and other ailments.

2. The learned Additional Public Prosecutor, on instructions from the Superintendent of Central Prison, Madurai, who is present in Court, submitted that the son of the petitioner was taken to Madurai Government Rajaji Hospital, Madurai and proper treatment was given. According to the learned Additional Public Prosecutor, Government Rajajai Hospital discharged the convict after treatment and as such, the apprehension raised by the petitioner has no basis.

3. The learned counsel for the petitioner submitted that the convict requires proper treatment and as such, he should be released on parole.

4. We are not inclined to accept the said request to release on parole.

5. The medical report produced by the Superintendent of Central Prison, Madurai, indicates that the convict lost his weight and his present weight is about 49 Kilograms. There is nothing on record to show that after treatment, the convict re-gained his weight and there is no medical problem as on today.

6. We direct the Dean, Madurai Government Rajaji



Hospital, Madurai, to constitute a medical team and examine the convict, by name Ravi @ Ravichandran and submit a report before this Court. The Superintendent of Central Prison, Madurai, is directed to approach the Dean, Madurai Government Rajaji Hospital, Madurai, for fixing a particular day for examination of the convict and produce him before the Board on the date of such examination.

7. Post the matter on 20 June, 2016.

8. The appearance of the Superintendent of Central Prison, Madurai, is dispensed with."

5. The Dean, Government Rajaji Hospital, Madurai, in his report dated 18 June, 2016, indicated the treatment given to the life convict. The report shows that the life convict is not suffering from any obvious diseases at present.

6. The report submitted by the Dean, Government Rajaji Hospital, Madurai, dated 18 June, 2016, clearly indicates that the life convict is in a good health condition now. We are, therefore, of the view that there are no justifiable reasons to release the life convict on medical ground.

7. The learned counsel for the petitioner submitted that appropriate directions should be given to the Superintendent of Central Prison, Madurai, to take the life convict to a nearby Specialty Hospital, in case further treatment is necessary, taking into account his health condition.

8. We direct the Medical Officer, attached to the Central Prison, Madurai, to examine the life convict periodically. In case such examination reveals any kind of illness, the life convict should be given proper treatment by taking him to the Government Rajaji Hospital, Madurai.

9. We direct the Superintendent of Central Prison, Madurai, to monitor the health condition of the life convict through the Jail Medical Officer and give him necessary treatment, in case such treatment is required.

10. The Habeas Corpus Petition is disposed of with the above direction. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

/True copy/



To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home (Prison V) Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Additional Director General of Prison,
Egmore, Chennai-600 008.

3.The Superintendent,
Central Prison, Madurai.

4.The District Collector, Madurai District, Madurai.

5.The Dean,
Madurai Government Rajaji Hospital, Madurai.

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

+1 cc to M/s.T.Lajapathi Roy, Advocate in SR.No.31544

SML

CSL/SK-SKN/30.06.2016 : 4P/8C

Order made in
H.C.P(MD)No.510 of 2016
Dated: **20.06.2016**