

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.04.2017

Coram

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.3465 of 2017

Sekar
(now confined at Central Prison,
Puzhal)

.. Petitioner

Vs.

1. The Superintendent of Prisons,
Puzhal Central Prison,
Puzhal, Chennai.
2. The Inspector of Police,
NIB CID,
Chennai- 600 039.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C to direct the first respondent to admit the petitioner in a private hospital meant for Cardiac treatment on the undertaking that this petitioner will abide the expenses for the treatment in such hospital.

For Petitioner :Mr.K.P.Narayanakumar
For Respondents :Mr.M.Muhammed Riyaz,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the first respondent to admit the petitioner in a private hospital for Cardiac treatment on the undertaking that he will bear all the medical expenses for the same.

2. It is the case of the petitioner that by judgment dated 03.06.2013 passed by the learned Principal Special Court for NDPS Cases, Chennai in CC No.57 of 2007, he was convicted for the offence under Section 8(c) r/w Section 20 (b)(ii)(c) of the NDPS Act and he was sentenced to undergo eleven years rigorous imprisonment and to pay a fine of Rs.1,00,000/- and in default to undergo two years rigorous imprisonment. He was again convicted in another case in CC No.46 of 2012 for the very same

offence by judgment dated 21.07.2014. Pursuant to the said convictions, he has been languishing in jail. At the same time, he filed two appeals in CA.Nos.448/2013 and 213/2016 before this Court and the same are pending.

3. It is the grievance of the petitioner that he is now suffering from acute heart disease, for which, he has to take treatment in a private hospital immediately. Though he has been provided treatment in the Government Hospital, the same is not sufficient enough to save his life, taking note of the seriousness of his ailment. Hence, the petitioner made a request to the respondents to permit him to take treatment in a private hospital, the same was not considered, which compelled him to approach this Court with the present petition for the above stated relief.

4. Learned counsel for the petitioner submitted that despite the repeated request made by the petitioner, the respondents have not permitted him to take treatment in a private hospital, due to which, the life of the petitioner would be in great danger. Learned counsel further submitted that the petitioner is ready and willing to bear all the expenses to be incurred for his treatment in a private hospital.

5. When the matter was taken up for hearing on 21.04.2017, this Court directed the first respondent to seek an opinion from the Residential Medical Officer, Central Prison-I, Puzhal, Chennai, as to whether the petitioner required heart surgery on emergency basis and file a report before this Court.

6. Accordingly, today, learned Government Advocate (Criminal Side) produced a medial report given by the Residential Medical Officer, Central Prison-I, Puzhal, Chennai dated 27.04.2017 enclosing case sheet of the petitioner, wherein, it has been specially stated as follows:

"At present, no surgical intervention is needed. But he has to continue the medicines to avoid untoward defects."

7. Taking note of the medical report of the petitioner, this Court directs the first respondent to provide adequate medical treatment to the petitioner in a private multi speciality hospital, for his heart ailment, as and when any emergency arises. However, the same will be at the cost of the petitioner.

8. This Criminal Original Petition is disposed of accordingly.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

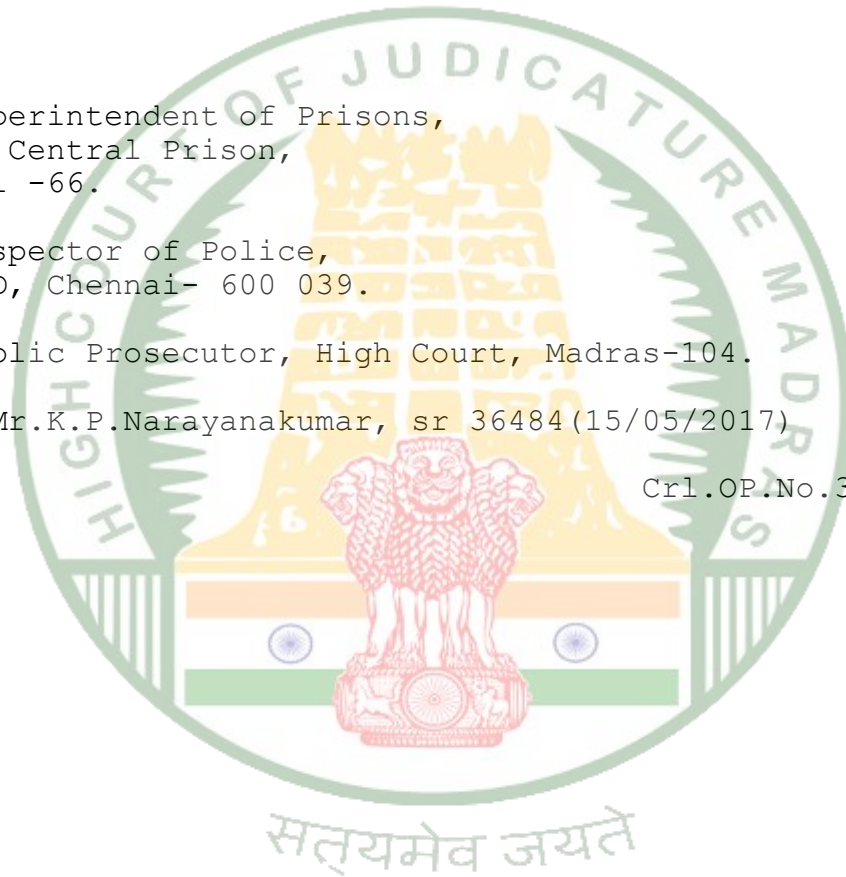
To

1. The Superintendent of Prisons,
Puzhal Central Prison,
Chennai -66.
2. The Inspector of Police,
NIB CID, Chennai- 600 039.
3. The Public Prosecutor, High Court, Madras-104.

+1 CC to Mr.K.P.Narayanakumar, sr 36484(15/05/2017)

Cr1.OP.No.3465 of 2017

SSI (CO)
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