

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.11.2017

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDHER
AND
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.2312 of 2017

Mrs.Radhika Mohandas ... Petitioner

Vs.

1. Mrs.Mallika Mohandas
2. Dr.Prithvi Mohandas
3. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.
4. State of Tamil Nadu
Represented by the Chief Secretary,
Chennai. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ or order or direction more particularly in the nature of Writ of Habeas Corpus, directing respondent nos.1 and 2 to produce the detenu Dr.Mohandas, aged about 83 years, now confined in his residence at 4/112, Mount Poonamallee High Road, Sathya Nagar, Manapakkam, Chennai, Tamil Nadu 600 089, herein before this Court and put him in the custody and care of the petitioner to secure the ends of justice.

For Petitioner : Mr.P.H.Aravind Pandian
for Alwin Godwin

For Respondents : Mr.R.Shanmugasundaram, Senior Advocate
for M/s.L.Baskaran - R1 & R2

Mr.V.M.R.Rajentran
Additional Public Prosecutor
for RR 3 & 4

O R D E R

(Order of the Court was made by RAJIV SHAKDHER, J)

1. This is a petition preferred by, one, Dr.Radhika Mohandas, the detainee/Dr.Mohandas's daughter. We have spoken to the detainee/ Dr.Mohandas. In his interaction with us, we found him to be cogent and alert. This fact is evident from the following information, given by Dr.Mohandas, in his interaction with us.

2. Dr.Mohandas informed us that, apart from Dr.Radhika Mohandas, he has two other daughters, i.e., Ms.Nirupa and Ms.Sharmila. We were also told that Dr. Radhika Mohandas and Ms.Nirupa are married, and that, Ms.Sharmila is unmarried and lives separately. Furthermore, we were informed by Dr.Mohandas that he also had a son by the name Dr.Prithvi. Dr.Mohandas also alluded to the fact that he is, presently, residing within the precincts of MIOT Hospital along with his son, Dr.Prithvi, and his wife.

3. This apart, during the course of the proceedings, we also arranged for an interaction between Dr.Radhika Mohandas and the detainee/Dr.Mohandas.

3.1. Based on their interaction, Dr.Radhika Mohandas and the detainee/ Dr.Mohandas agreed to the following :

(i). First, the detainee/Dr.Mohandas will furnish his mobile number to Dr.Radhika Mohandas and speak to her over the telephone as often as possible. Furthermore, if necessary, contact will be maintained by him via skype as well.

(ii) Second, the detainee/Dr.Mohandas will get himself medically examined and, thereupon, furnish a copy of the report concerning his health status to Dr.Radhika Mohandas.

(iii) Third, the detainee/Dr.Mohandas will endeavour to apply for a debit/credit card and also, whenever necessary, operate his own bank accounts, so that he has funds available with him to take care of his needs.

5. Based on the aforesaid, both Dr.Radhika Mohandas and the detainee/Dr.Mohandas, requested that the instant petition be closed.

6. As prayed, the petition is closed.

7. Before we conclude, we may record that we were assured by Mr.Shanmugasundaram, learned Senior Advocate, who appears for respondent No.1 and 2, i.e., the wife and the son of the

detenue/Dr.Mohandas, to whom, we have made a reference above, that there will be no impediment in Dr.Radhika Mohandas having access, both physically and otherwise to the detenue/Dr.Mohandas.

7.1. The said assurance given to the Court is taken on record.

8. We also make it clear that in case, the detenue/Dr.Mohandas furnishes his medical record to Dr.Radhika Mohandas, the record so made available, will not be put in public domain by her.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ggs/vrc

To

1. The Chief Secretary to the Government,
Government of Tamilnadu,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.ALLWIN GODWIN Advocate, S.R.No. 85214

+1cc to Mr.L.BASKAR Advocate, S.R.No. 85044

H.C.P.No.2312 of 2017

TR(30/11/2017)

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