

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.04.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No. 425 of 2017

Visalakshi

.. Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary,
Home (Prison) Department,
Fort St. George,
Chennai - 600 009
2. The Additional Director General of Police and
Inspector General of Prison,
Tamil Nadu Prison Department,
Gandi-Irwin Road,
Egmore, Chennai 600 008.
3. The Superintendent of Prison,
Central Prison, Vellore,
Vellore.
4. The Prison Medical Officer,
Central Prison-Vellore,
Vellore.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus of any other appropriate writ or directing the respondents the 3rd respondent to permit the petitioner's husband P.Nagendran, aged 45 years, S/o Ponnusamy life convict (No.1236) to get proper treatment in private hospital namely Global Health City, Perumbakkam, Chennai, for his liver and spleen ailment at the cost of petitioner and pass such further orders as this Court may deem fit and proper in the circumstances of the case, Award cost and thus render justice.

For Petitioner : Mr.M.R.Senthilkumar
For Respondents: Mr.V.M.R. Rajentren
Additional Public Prosecutor

ORDER

(Order of the Court was made by S. NAGAMUTHU,J.,)

The petitioner is the wife of one Mr.Nagendran, aged about 45 years. He was convicted by the learned V Additional Sessions Judge, Chennai in S.C.No.316/1998 and sentenced to undergo rigorous imprisonment for ten years for the offence under Sec.302 r/w 34 IPC. As against the same, an appeal was preferred by him before this Court in Criminal Appeal No.936/1999, in which, this Court enhanced the sentence to undergo imprisonment for life. Thus, Mr.Nagendran is a life convict and his life convict number is :1236 and he is lodged in Central Prison, Vellore.

2. According to the petitioner, the convict has got lot of health problems including chronic liver disease with Splenomegaly, systemic hypertension with chronic diarrhea with B/L pedal edema. Admittedly, he is treated in Government Hospitals, but, according to the petitioner, going by serious nature of disease, he needs treatment in a private hospital, where liver transplantation is possible. The petitioner would further state that one Private Hospital by name Global Health City at Perumbakkam, Chennai is an Institution, which provides for treatment for liver disease, including liver transplantation. The petitioner would further submit that his relatives are prepared to donate liver for the purpose of transplantation, subject to his suitability. It is further stated that for the said purpose, direction may be issued to Jail authorities to admit Mr.Nagendran in the Global Health City, Perumbakkam, Chennai for transplantation of Liver.

3. In fact, the petitioner has filed an affidavit to that effect that the said Hospital authorities have already been consulted and they are prepared to admit Mr.Nagendran and conduct transplantation for liver.

4. Having regard to the above submissions, we dispose of this Habeas Corpus Petition with the following directions:

(i) The Superintendent of Central Prison, Vellore shall take steps to take the convict Mr.Nagendran to the Global Health City, Perumbakkam, Chennai within a period of one week from the date of receipt of a

copy of this order for the purpose of treatment;

(ii) If the hospital authorities are prepared to admit him as inpatient in the said hospital, he shall be admitted as inpatient in the said hospital for the purpose of liver transplantation;

(iii) The hospital authorities will be at liberty to go for any kind of treatment including liver transplantation, according to the medical advise;

(iv) It is further directed that so long as Mr.Nagendran undergoes treatment as inpatient at the said hospital, he shall be under the surveillance of the Police and his safety and security shall be ensured;

(v) After the treatment is over, based on the medical advise, he shall be taken back to Central Prison, Vellore and lodged;

(vi) The entire expenditure for the treatment of Mr.Nagendran in the said hospital shall be borne only by the petitioner.

(vii) The petitioner shall also be permitted to be with the detenu in the hospital to assist him.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Government Of Tamil Nadu,
Home(Prison) Department,
Fort St. George,
Chennai - 600 009
2. The Additional Director General of Police and
Inspector General of Prison,
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3. The Superintendent of Prison,
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Vellore.
4. The Prison Medical Officer,
Central Prison-Vellore,
Vellore.

+lcc to Mr.M.R. Senthil Kumar, Advocate, S.R.No.20922

md(07/04/2017)

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