



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2017

CORAM

THE HON'BLE MR. JUSTICE P.N. PRAKASH

W.P.(MD) No.6990 of 2017

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A.Nirmala Mary

... Petitioner

-vs-

1. The Secretary to the Government,
Home Department,
St. George Fort, Secretariat,
Chennai.
2. The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to let petitioner's husband Johnson @ John (CT No.3768) who is being presently kept in central prison, Palayamkottai, Tirunelveli on parole for period of 3 weeks so as to enable him to take treatment for his health ailments in light of the petitioner's representation, dated 30.12.2016.

For Petitioner : Mr.R.Anand
For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

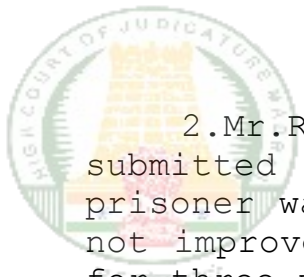
O R D E R

Today, when the matter was taken up for hearing, the learned Additional Government Pleader produced the Medical Report of the Convict Prisoner Johnson & John (CT No.3768), S/o.David, aged 60, wherein it is stated as follows:-

"Again on 04.03.2017 patient referred to Tirunelveli Medical College Hospital same complaint diagnosed as T2 DM/SHT/CAD/ OLD AWM/ ISCHEMIC DCM/ LV DYSFUNCTION. Since patient c/o. Low backache seen by Ortho specialist and Neurologist MRI scan done. Since no active intervention needed medical treatment was advised. On 23.03.2017 patient discharged from Tirunelveli Medical College Hospital on the same day patient admitted in Central Prison Dispensary Palayamcottai.

At present he is getting the medicines recommended by the specialists of Tirunelveli Medical College Hospital at Prison hospital itself.

<https://hcservices.ecourts.gov.in/hcservices/> At present his health condition is stable."



2.Mr.R.Anand, learned counsel appearing for the petitioner submitted that the Medical Report shows that thrice the convict prisoner was taken to hospital and hence, his health condition has not improved. Therefore, he prayed that he should be given parole for three weeks.

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3.In the considered opinion of this Court, parole for three weeks cannot be granted on the ground that the convict prisoner is physically indisposed. It is for the State to take care of sick prisoners. Unless, the doctors of the State certify that they do not have the proper facilities for treating the ailment of the prisoner, the prisoner cannot be shifted to Private Hospital for treatment.

4.In this case, the Medical Report shows that no active intervention is needed. Hence, the prayer of the petitioner cannot be considered. However, the Jail Authorities are directed to closely monitor the health condition of the convict prisoner. In case of any emergency, the Superintendent, Central Prison, Palayamkottai may obtain opinion from the Government Hospital doctors for giving treatment to the convict prisoner in a Private Hospital at his costs, in the event of such facilities not being available in the Government Hospital.

5.With the above observation, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary to the Government,
Home Department,
St. George Fort,
Secretariat, Chennai.
2. The Superintendent,
Central Prison,
Palayamkottai, Tirunelveli.

+1cc to M/S.R.ANAND, Advocate SR.No.52746

+1cc to Special Government Pleader, SR.No.52812

W.P.(MD) No.6990 of 2017

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