

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA
AND
THE HON'BLE MRS. JUSTICE S.RAMATHILAGAM

Habeas Corpus Petition No.1285 of 2018

S.Gandhi

... Petitioner

versus

1. State, Represented by its,
Home Secretary to the Government of Tamil nadu,
St. George Fort, Chennai 600 009
2. The Director General of Police,
Dr. Radha Krishnan Salai, Mylapore, Chennai
3. The Commissioner of Police,
Chennai City, No.132 EVK Sampath Salai,
Vepery, Chennai
4. The Superintendent, Central Puzhal
Prison - II, Puzhal

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of Habeas Corpus, to direct the respondents to permit the detainee S.Hariharan, S/o. Sivaraman to admit in any private hospital for further treatment for the fracture sustained by him.

For Petitioner : Mr. V.Devendhiran

For Respondents : Mr. R.Prathap Kumar, APP.,

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

This petition has been filed by the petitioner / mother seeking direction to the respondents to admit the detainee / accused, S.Hariharan, in any one of the private hospitals for further treatment in respect of the fracture sustained by him in the right leg and right hand.

2. It is alleged that the petitioner's son was kept under illegal custody from 23.06.2018 and because of the brutal beatings, the detainee suffered fracture in the right hand and right leg. The way in which the accused sustained injury is the subject matter of enquiry and we are concerned only with the place of treatment.

3. Though the respondents are ready to provide treatment in the prison hospital, it is the claim of the petitioner that his son must be given treatment at any one of the private hospitals, as the post-operative care is very good at private hospitals.

4. The learned counsel appearing for the petitioner has given a list of nine private hospitals and seek permission for the detainee to be admitted in any one of the hospitals for the purpose of surgery and post operative care.

5. The learned Additional Public Prosecutor would submit that the treatments and the facilities in the Government Hospital are not of less quality and the detainee can choose the option from out of the five Government Hospitals for providing treatment. The following are the list of hospitals:-

1. Rajiv Gandhi Government General Hospital, Chennai - 3,
2. Government Stanley Medical College and Hospital, Chennai - 1,
3. Government Kilpauk Medical College and Hospital, Chennai - 10,
4. Government Royapettah Hospital, Chennai - 14,
5. Government Omandurar Medical College and Hospital, Chennai.

6. The learned counsel appearing for the petitioner would submit that the petitioner is prepared to bear the cost of providing treatment, apart from the cost of the security and therefore, his son must be permitted to take treatment in a private hospital.

7. The learned Additional Public Prosecutor would submit that the security of the accused himself is at stake and therefore, it is not feasible to provide treatment in a private hospital and if the accused chooses anyone of the five hospitals, listed above, the respondents will ensure surgery at the hands of the best doctors as well as the best post operative care.

8. Recording the said submission made by the learned Additional Public Prosecutor, we direct the respondents to admit the accused at the Government Omandurar Medical College and Hospital, Chennai, for further treatment and management. We hope and trust that the undertaking given by the learned

Additional Public Prosecutor would be carried out in letter and spirit.

9. With the above observation, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

srk

To

1. The Home Secretary to the Government of Tamil nadu,
St. George Fort, Chennai 600 009
2. The Director General of Police,
Dr. Radha Krishnan Salai, Mylapore, Chennai
3. The Commissioner of Police,
Chennai City, No.132 EVK Sampath Salai,
Vepery, Chennai
4. The Superintendent, Central Puzhal
Prison - II, Puzhal, Chennai
5. The Public Prosecutor, High Court, Madras.

+2ccs to M/s.V.Devendhiran, Advocate in sr.no.44755

सत्यमेव जयते

H.C.P.No.1285 of 2018

CS/16/07/18

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