

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2018

C O R A M

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

Writ Petition No.20465 of 2018

B. Indira Devi

... Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Home (Prison IV) Department,
Fort St. George,
Chennai - 9.

2. The Addl. Director General of Prison,
Thalamuthu Natarajan Maaligai,
Second Floor, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3. The Superintendent of Prison,
Central Prison, (Undertrial prisoner),
Puzhal, Chennai - 600 066.

4. The Inspector of Police,
Central Crime Branch,
Cyber Crime Cell,
Vepery, Chennai - 600 007.

... Respondents

Petition filed under article 226 of the Constitution of India praying to issue a WRIT or order or direction, particularly in the nature of writ of MANDAMUS directing the 3rd Respondent herein to transfer the petitioner's son by name B. Prasant, S/o. Balakrishnan to Government Anna Ayurvathic Hospital at Anna Nagar for taking necessary treatment to his ailment in order to save the petitioner's son life.

For Petitioner ... M/s. B. Kumarasamy

For Respondents ... C. Raghavan, Govt. Advocate

O R D E R

The petitioner has approached this Court seeking the following relief:-

"To issue a writ of Mandamus, directing the 3rd Respondent herein to transfer the petitioner's son by name B. Prasant, S/o. Balakrishnan to Government Anna Ayurvethic Hospital at Anna Nagar for taking necessary

treatment to his ailment in order to save the petitioner's son life."

2. Since the petitioner's son is an under trial prisoner, who is subjected to remand under Sections 167, 307 Cr.P.C., a direction as prayed for by the petitioner cannot be granted, but ill-health may be a good ground for obtaining regular bail which the accused may workout before the jurisdictional Court.

3. However, since it is represented that the petitioner's son is suffering from Kidney failure, the prison authorities are directed to give him the best medical aid either at the Prison Hospital or Rajiv Gandhi Government Hospital, Chennai.

4. With the above direction, this writ petition is disposed of. No costs.

Sd/
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

gsi/kal

To

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
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+1cc to Mr.B.Kumarasamy, Advocate SR.No.54801

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GN(30/08/2018)