

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

W.P.No.12663 of 2018
and W.M.P.No.14787 of 2018

V.Kalaiarasi

... Petitioner

Vs

1.The Chief Secretary to
Government of Puducherry,
Chief Secretariat,
Puducherry.

2.The Director General of Police,
Puducherry.

3.The Station House Officer,
CBCID Police Station,
Orleanpet, Puducherry.

4.The Chief Superintendent,
Central Prison,
Kalapet, Puducherry.

5.The Director,
JIPMER,
Dhanwantri Nagar,
Puducherry.

.. Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to take all effective steps to improve the health condition of the petitioner's son Balaji and to direct the 2nd respondent to take stern action in initiating both criminal and departmental proceedings against the 3rd and 4th respondents and his subordinates and to conclude the investigation in accordance with law by changing into an effective investigating machinery.

For Petitioner : Mr.M.Gnanasekar
For Respondents : Mr.Bharatha Chakravarthy
Public Prosecutor, Pondicherry

O R D E R

This petition has been filed to direct the respondents to take all effective steps to improve the health condition of the petitioner's son Balaji.

2.Heard the learned counsel appearing for the petitioner; the learned Public Prosecutor appearing for the respondents and perused the materials placed on record.

3.Admittedly, the petitioner's son Balaji is a remand prisoner, arrested by the 3rd respondent in crime No.5 of 2018 for offences under Sections 468, 471, 379 r/w 34 of IPC r/w Sections 51 and 66-C of Information Technology Act, 2000 on 18.04.2018 and was produced before the Chief Judicial Magistrate, Puducherry on 19.04.2018. Even at the time of remand, it was observed that the petitioner was suffering from some ailment and therefore, after remand, he was sent to the prison hospital for initial treatment. From there, he was referred to the Government Hospital, Puducherry, from where, he has been admitted to JIPMER, Puducherry, where he is undergoing dialysis. Under such circumstances, the above writ petition has been filed.

4.Mr.Gnanasekar, learned counsel for the petitioner submitted that he is more interested in giving the best medical aid to the petitioner for saving his life, rather than standing on other allegations that have been made in the writ petition.

5.The learned Public Prosecutor, Pondicherry also submitted that Balaji is undergoing dialysis in JIPMER and that he will be discharged on the recommendations of the Medical Officer.

6.Admittedly, Balaji is a remand prisoner and if he is released on bail under Section 437 or 439 or 167[2] of Cr.P.C., he can earn his freedom and continue the treatment privately at his cost. As long as he is a remand prisoner, the treatment has to be given at the cost of the State. This Writ Petition is closed with a direction to the authorities to give the best treatment to Balaji, at the cost of the State until he is released on bail. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gya

To

1.The Chief Secretary to
the Government of Puducherry,
Chief Secretariat, Puducherry.

2.The Director General of Police,
Puducherry.

3.The Station House Officer,
CBCID Police Station,
Orleanpet, Puducherry.

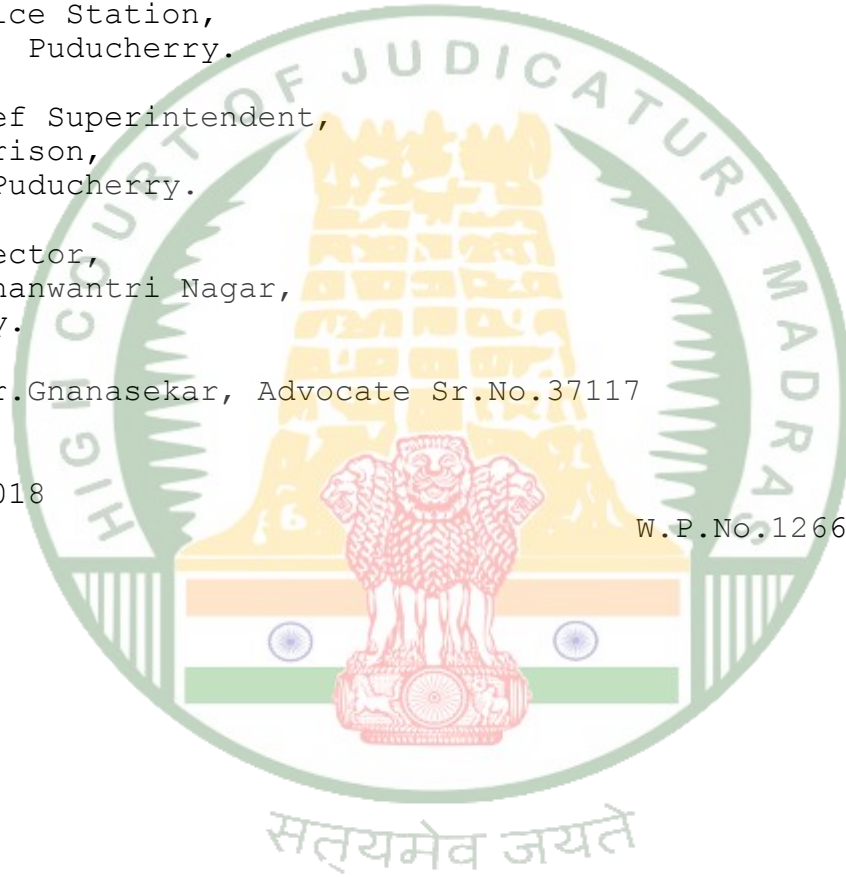
4.The Chief Superintendent,
Central Prison,
Kalapet, Puducherry.

5.The Director,
JIPMER, Dhanwantri Nagar,
Puducherry.

+1cc to Mr.Gnanasekar, Advocate Sr.No.37117

MG(CO)
sm:14.6.2018

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