

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.11820 of 2018

D.Gabriel

... Petitioner

Vs

1.State rep.by its
Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai-600 009.

2.The Additional Director General of Prison,
CMDA Tower,
Egmore,
Chennai-600 008.

3.The Superintendent of Central Prison,
Puzhal-I,
Chennai.

.... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondents to release the petitioner for the purpose of medical treatment in the private hospital schedule from 18.04.2018 to 28.04.2018 and further whenever the treatment of Hospitalization is needed without any cost of police escort during such period.

For Petitioner : Mr.K.M.Subramanian

For Respondents : Ms.P.Kritika Kamal,
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the respondents to release the petitioner for the purpose of medical treatment in a private hospital scheduled from 18.04.2018 to 28.04.2018 and further, whenever the treatment of Hospitalization is needed without any cost of police escort, during such period.

2. In the opinion of this Court, a direction as prayed for by the petitioner cannot be granted, because at the instance of the petitioner, this Court had directed that he should be taken to Rajan Dental Hospital, Mylapore, Chennai, a private hospital for treatment. When the prisoner is taken out from the prison, police escort has to be provided and the same has to be borne by the prisoner, where it is on his request. When a prisoner is taken to the Court, then it is the duty of the State to provide escort free of cost. That apart, the request of the petitioner that he may be lodged in a Mansion, opposite to Rajan Dental Hospital, cannot be acceded to, as the same cannot be converted into a temporary prison for lodging the prisoner. However, the Prison Authorities are directed to take the prisoner promptly for treatment, so that he gets best treatment.

With the above direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai-600 009.

2. The Additional Director General of Prison,
CMDA Tower,
Egmore,
Chennai-600 008.

3. The Superintendent of Central Prison,
Puzhal-I,
Chennai.

4. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.K.M.Subramanian, Advocate, S.R.No.29328

Cr1.O.P.No.11820 of 2018

RRK(28/04/2018)