

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2018

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.14492 of 2018

N.Saroja

... Petitioner

Vs.

1. The State of Tamil Nadu
Represented by its Secretary
Home Department
Fort St. George,
Chennai - 600 009.
2. The Additional Director General of Police (Prisons)
Whannels Road,
Egmore, Chennai - 600 008.
3. The Superintendent of Central Prison
Central Prison, Vellore,
Vellore District.
4. The Superintendent of Central Prison
Central Prison, Puzhal,
Chennai District.

... Respondents

Prayer :

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to permit the petitioner to take her husband Kora Nagaraj son of Krishnappa (Convict No.20745) to any appropriate private hospitals for giving appropriate treatment for his renal failures and for other ailments, illness and complications under the surveillance of respondents on her own cost.

For Petitioner : Mr.S.Vijay Anand

For Respondents : Mr.D.Raja
Government Advocate

O R D E R

This petition has been filed directing the respondents herein to permit the petitioner to take her husband Kora Nagaraj son of Krishnappa (Convict No.20745) to any appropriate private hospitals for giving appropriate treatment for his renal failures and for other ailments, illness and complications under the surveillance of respondents on her own cost.

2. The petitioner herein is the wife of the life convict Kora Nagaraj. He was found guilty for an offence under Section 302 of IPC in Crime No.615 of 2000. He is in jail for almost 16 years from now. He is suffering for diabetics and his left leg has been amputated and right leg is also about to be amputated. His eye sight is also bad. His both kidneys were damaged and he is under dialysis in Government Stanley Medical College and Hospital, Chennai. At present my husband is an inpatient in Government Medical College and Hospital. He requires continuous and effective treatment. He has already taken leave from his conviction from this Hon'ble Court in W.P.No.839/2012, W.P.No.22397/2012, H.C.P.No.727/2015 in the earlier occasions. Now he is in danger and counting his days due to renal failures and losing consciousness and therefore requires good treatment at Private Hospital. Hence the petitioner filed this petition seeking permission of this Hon'ble Court to take him to appropriate private hospital for appropriate treatment for his renal failure and for other ailments, illness and complications who is under going sentence and now taking treatment for some ailment in Stanley Hospital (prison ward) and she wanted to give treatment to her husband in private hospital and she has also filed an affidavit, stating that she will bear the expenses and that she will reimburse it from the Government.

3. On an earlier occasion in W.P.No.839 of 2012 dated 03.02.2012 on behalf of a similar condition, this Court had granted permission to take treatment in private hospital at her own cost.

4. The learned Government Advocate based upon the instructions from the prison authority, states that the health condition of the petitioner's husband is critical and they have no objection for treatment at the petitioner's cost.

5. In view of the foregoing, the writ petition is allowed by directing the respondents 1 and 2 to shift the petitioner's husband Kora Nagaraj son of Krishnan No.20742, who is undergoing life imprisonment in a Central Jail, immediately to Cauvery Hospital, Hosur, Krishnagiri District. If he is taking treatment as in-patient at ***Stanley Medical College and Hospital, Chennai** or in any other hospital, the respondents 1

and 2 shall shift him to ***Cauvery Hospital, Hosur, Krishnagiri District** immediately, to take special treatment under the specialist. The cost for the treatment and the escort shall be borne by the petitioner as agreed by her. It is open to the jail authorities to provide escort in the hospital. The police is responsible for the patient from admission to discharge and adequate security, if necessary, may be provided. The authorities of said Hospital shall also do the needful in this regard by starting the treatment immediately.

6. Accordingly, the writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CCC)
Dated:16/08/2018

*Corrected order as
per order dated 24/08/2018
in W.P.14492/18
for Being mentioned
Sd/-
Assistant Registrar(CS-VI)
Dated:24/08/2018

//True Copy//

Sub Assistant Registrar

AT

To

1. The Secretary
Home Department,
Fort St. George,
Chennai - 600 009.
To be substituted the
order already despatched
on 23/08/2018
2. The Additional Director
General of Police (Prisons)
Whannels Road,
Egmore,
Chennai - 600 008.
3. The Superintendent of Central Prison
Central Prison,
Vellore,
Vellore District.

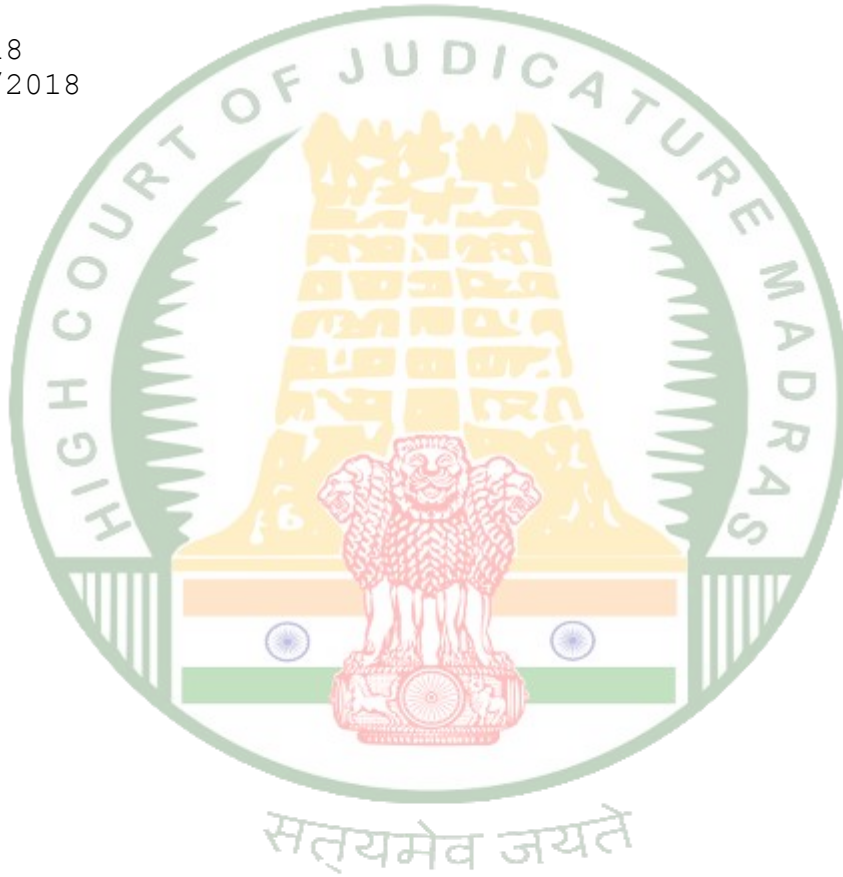
4. The Superintendent of Central Prison
Central Prison, Puzhal,
Chennai District.

+3ccs to Mr.S.Vijay Anand, Advocate, S.R.No.*57763

+1cc to the Government Pleader, S.R.No.49356

W.P.No.14492 of 2018

VGI(CO)
CS/20/08/18
srg 27/08/2018



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