



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 31.01.2018

Coram :-

THE HON'BLE DR.JUSTICE S.VIMALA

and

THE HON'BLE MRS.JUSTICE T.KRISHNAVALLI

Habeas Corpus Petition (MD) No.126 of 2018

K.Mariammal

... Petitioner

-vs-

1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Superintendent of Prison,
Central Prison, Madurai.

3.The Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District,
Virudhunagar.

... Respondents

Prayer: Habeas Corpus Petition is filed under Article 226 of Constitution of India, seeking a direction to the 2nd respondent to produce the petitioner's son by name Balasubramanian, aged about 40 years, S/o.Krishnan, confined in the Central Prison, Madurai before this Honourable Court.

For Petitioner : Mr.K.Kannan

For Respondents : Mr.C.Ramesh

Addl. Public Prosecutor

O R D E R

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

The petitioner has filed this petition, seeking direction to the 2nd respondent to produce her son, namely, Balasubramanian, S/o.Krishnan, aged about 40 years, confined in the Central Prison, Madurai before this Court.

2. According to the averments made in the affidavit, her son Balasubramanian got married to one Thangaselvi in the year 2002 and thereafter, on account of difference of opinion, her son got divorce and shifted his residence to Atchampathu, Madurai since 2012. It is alleged that Thangaselvi trespassed into the house and on account of the same, the petitioner herein preferred a complaint to the Inspector of Police on 23.01.2018 and the Inspector of Police



directed the petitioner and Thangaselvi to appear for enquiry on 24.01.2018. Since the petitioner could not appear, the petitioner asked her son to appear before the Inspector of Police.

2.1. It is stated that her son was brutally attacked by the Police Officials and thereafter, a case in Crime No. (*)26 of 2018 has been registered as against the petitioner's son and he was taken to the learned Judicial Magistrate No.1, Virudhunagar and remanded to judicial custody. There is also allegation levelled against the Magistrate that he did not record whatever was said by her son at the time of remand. When her son was taken to Sub-Jail, Virudhunagar, he was again attacked by the Police.

2.2. It is further stated that when the petitioner went to see her son, he was not there in the jail and she was informed that her son has been admitted in the Government Rajaji Hospital, Madurai for treatment. Contending that her son has not been given proper treatment for injury and she does not know whether her son is alive or not, the present petition has been filed for production of her son before this Court.

3. On instructions, the learned Additional Government Pleader appearing for the respondents would submit that the petitioner's son is taking treatment and admitted in the convict Ward of the the Government Rajaji Hospital, Madurai and he is in the hospital only and is very much alive.

4. When it is stated on behalf of the State that the petitioner's son is in the hospital for treatment, the question of entertaining this petition does not arise. However, taking into account the submission made by the petitioner that she is not permitted to see her son, we are of the view that it is sufficient, if direction is issued to the Hospital Authorities to give access to the petitioner to see her son.

5. Accordingly, the Hospital Authorities of the Government Rajaji Hospital, Madurai are hereby directed to permit the petitioner to visit her son in the hospital till his confinement in the hospital for treatment.

6. With the above observation and direction, the Habeas Corpus Petition stands closed.

Sd/-

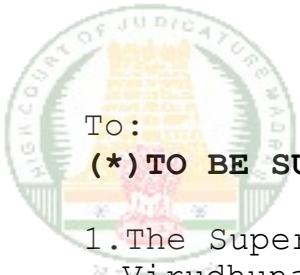
Assistant Registrar(P&A)

(*) AMENDED ORDER DATED 28.02.2018 BY THIS

COURT MADE IN CRL MP(MD)NO.1354/2018

/True Copy/

Sub Assistant Registrar



To:

(*) TO BE SUBSTITUTED TO THE ORDER ALREADY DEPATCHED ON 01.02.2018

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Superintendent of Prison,
Central Prison, Madurai.
3. The Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District,
Virudhunagar.
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Dean,

Rajaji Government Hospital, Madurai.

+1CC to Mr.K.Kannan, Advocate, SR.No. 45367

Habeas Corpus Petition No.126 of 2018

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AM/SV MMS/SAR 4/01.02.2018/3P/7C

MS/SKN-RSK/SAR-3/13.03.2018/3P.7C