



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Thirteenth day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL MP (MD) No.9472 of 2018

IN

CRL OP (MD) No.15480 of 2018

1.HELEN M PERDITA

2 KALPANA

... PETITIONERS/PETITIONERS

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
KODAKOVIL POLICE STATION,
MADURAI.

(IN CRIME NO. 83 OF 2018)

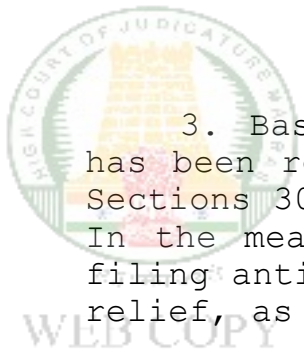
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the condition imposed in Crl.O.P.(MD) NO.15480 of 2018 dated 27/09/2018 on the file of this Honourable Court and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.J.KINGSLEY SOLOMON, Advocate for the petitioners and of MR.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Original Petition has been filed praying to modify the condition imposed by this Court in Crl.O.P.(MD)No.15480 of 2018, dated 27.09.2018.

2. It is a pathetic case of a girl student, who is the defacto complainant in this case, studying B.Sc., Nursing First Year in 'Apollo Nursing College', Eliyarpatti, Madurai. It is alleged that due to the harassment made by the petitioners, who are Principal and Class Teacher respectively, the defacto complainant attempted to commit suicide on 27.07.2018, by jumping from the third floor of her College and sustained severe multiple injuries. Thereafter, she got admitted at Apollo Hospitals, Madurai, and taking treatment to till date, as inpatient.



3. Based on the complaint of the defacto complainant, a case has been registered in Crime No.83 of 2018, for the offences under Sections 306 and 511 of IPC., on the file of the respondent Police. In the meanwhile, the petitioners approached this Court by way of filing anticipatory bail application, wherein this Court granted the relief, as prayed for, with certain conditions.

4. The main grievance of the petitioners is that the defacto complainant has been taking treatment from the date of occurrence ie., on 27.07.2018 to till date. According to the petitioner, the victim has been given proper treatment and she has been moving around and continues to be gradually improving. Therefore, filed this petition for modification of the order dated 27.09.2018.

5. On 05.12.2018, when the matter was taken up for hearing, the learned counsel appearing for the defacto complainant raised some doubts regarding discharge summary of the Apollo Hospital, this Court, in order to ascertain the reliability of the discharge summary, directed the defacto complainant to appear before the Medical Board, Rajaji Government Hospital, Madurai, on 10.12.2018. Further, this Court directed the Dean, Rajaji Government Hospital, Madurai, to constitute a Medical Team, consisting Neuro and Ortho Surgeons, to evaluate the physical condition of the defacto complainant, whether the defacto complainant can be treated as outpatient or continue as inpatient?.

6. Accordingly, a report has been sent by Dr.S.Shanmugasundaram, M.D., D.CH., Dean (FAC), Government Rajaji Hospital, Madurai, stating that "Ms.Sangitha (Victim / Defacto Complainant) can be discharged and treated as an outpatient. Ms.Sangith needs regular review as on outpatient with the Neuro and Orthopaedic Surgeons who operated this patient".

7. I have heard the learned counsels appearing on either side and perused the materials available on record, including the report sent by Dr.S.Shanmugasundaram, M.D., D.CH., Dean (FAC), Government Rajaji Hospital, Madurai,

8. From the discharge summary and the report of the Dean, No doubt, the victim / defacto complainant is gradually improving and she can be discharged and treated as an outpatient and she needs regular review, as an outpatient, with the Neuro and Orthopaedic Surgeons, who operated this patient". Therefore, this Court is of the view that one of the condition imposed by this Court in its order, dated 27.09.2018 that "(iv) the Apollo Hospitals shall not discharge the defacto complainant without prior permission from this Court" is modified to the effect that " the Apollo Hospitals is permitted to discharge the victim / defacto complainant with immediate effect. However, this Court makes it very clear that the Apollo Hospital shall give medical aids, as out-patient, as long as treatment needs, at free of costs.



9. With the above direction, this petition is disposed of.

sd/-
13/12/2018

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/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KODAKOVIL POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE MANAGEMENT,
APOLLO HOSPITALS,
MADURAI.

+2. C.Cs. to MR.P.PETHU RAJESH, Advocate SR.No.23299,23370

ORDER
IN
CRL MP (MD) No.9472 of 2018
IN
CRL OP (MD) No.15480 of 2018
Date :13/12/2018

AE/PN-AC/SAR4/17.12.2018/3P/8C