



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.08.2018
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP (MD) No.19000 of 2018

WEB COPY

Dr.D.Elangovan

...Petitioner

Vs.

1.The Superintendent of Police,
District Police Office,
Dindigul.

2.The Joint Director of Family Welfare
and Health Services,
Government Hospital,
Dindigul.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the 1st respondent to defer summons to the petitioner in petty cases before the Magistrate Courts of Dindigul thereby directing the 2nd respondent to handle the cases as per the available records in the Government Hospital as the petitioner is working in Pondicherry and as a Specialist Doctor in Nuro Surgery, whereby the petitioner's services are required for crucial, critical life threatening needy patients at every point of time.

For Petitioner
For Respondents

:Mr.B.A.Murugananatham
:Mr.S.Dhayalan,
Government Advocate

O R D E R

This writ petition has been filed for a direction to the respondent Police to defer summons to appear in the cases, for which the petitioner is called for as expert witness.

2.The learned Counsel for the petitioner submits that the petitioner is presently working in Pondicherry and due to his age he is finding it difficult to appear before the Courts to give evidence.

3.The learned Government Advocate would submit that the presence of the petitioner is required in cases where Section 302 IPC offence is involved and the petitioner was the Doctor, who had certified at the relevant point of time. Therefore, the presence of the petitioner is required before the Court for the purpose of giving evidence.

4.It is seen from records that the petitioner was working in the Government Hospital at Dindigul till the year 2013 and



thereafter he was terminated from service.

5.The petitioner as a Government Doctor had given certificates in various cases involving serious offences. Therefore, necessarily the petitioner has to appear before the Court and give evidence.

6.From the statement made by the learned Government Advocate, it is clear that the petitioner has been repeatedly given summons to appear before the Court for giving evidence and he has not appeared before the Court. Therefore, pre-empting the issuance of warrant, the petitioner has chosen to file the present writ petition. The petitioner is duty bound to appear before the Court as a witness in all the cases, where he had issued certificates and the same is sought to be marked before the Court. The petitioner admittedly was a Government Doctor and therefore, the petitioner can never claim any exemption to appear before the Court as a witness and to give evidence as a Doctor, who had issued certificates during the relevant point of time.

7.There is no merit in this writ petition and the same stands dismissed. No costs.

Sd/
Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar(CS-I)

To

1.The Superintendent of Police,
District Police Office,
Dindigul.

2.The Joint Director of Family Welfare
and Health Services,
Government Hospital,
Dindigul.

+1cc to M/s.Special Government Pleader,SR.No. 81759

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