

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.04.2019
CORAM:
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR
H.C.P.No.406/2019

Princess Ntombifuth

.. Petitioner

vs.

The Superintendent
Special Prison for Women
Puzhal, Chennai 600 066.

.. Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondent to give proper medical treatment at Rajiv Gandhi General Hospital, Chennai to the petitioner namely Princess Ntombifuth, remand prisoner No.2687, aged about 50 years, now confined in Special Prison for Women, Puzhal, Chennai-600066 by considering the petitioner's representation dated 01.11.2018.

For Petitioner .. Mr.P.G.Perumal Pandian

For Respondent .. Mrs.V.Sharadha Devi,
Government Advocate [Crl.Side]

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J)

Heard the submissions of the learned counsel for the petitioner and Mrs.V.Sharadha Devi, learned Government Advocate [Crl.Side] appearing for the respondent/State.

2 This Court, in continuation and in conjecture with the earlier order dated 19.03.2019, is passing the following order.

3 The primordial grievance expressed by the learned counsel for the petitioner is that the detinue is a South African National and she is facing trial for the alleged commission of the offence punishable under NDPS Act and in the light of her physical condition, she requires periodical and continuous medical treatment as well a special diet.

4 The Medical Officer attached to the Special Prison for Women, Puzhal, Chennai-66, has sent a communication dated 09.03.2019 to the Superintendent, Special Prison for Women and

it is relevant to extract the contents of the same:-

'Sub: Medical Report of Princess Ntombi Msomi
RP 2687

Ref:1.Letter No.2687/R1/2019 from the office of
Superintendent, Special Prison for Women, Puzhal
dated 26.02.2019.

2.HCP.No.406 of 2018 Hon'ble High Court
of Judicature at Madras [Special Original
Jurisdiction] Hon'ble No.406/2019.

Princess Ntombi Msomi RP 2687, aged 50 years
was admitted into Special Prison for Women on
28.01.2017. On admission, she revealed to be a
PLHA [person Living with HIV and AIDS] on ART
and systemic Hypertension on medications.

During her stay in prison, she is on
continuous treatment with Anti Retroviral
Therapy from ART Centre, Stanley Government
Hospital.

She is on regular check up at ART Centre,
Stanley Government Hospital and Drugs issued.
She is on CD4 Count monitoring at regular
intervals [last CD4 count done on 08.09.2018-
652-cells].

She is on Special Diet [Milk, Egg, Dhall,
Vegetables, Banana, Bread since admission till
date].

Her weight on admission was 105 Kg. Her
current weight on 02.03.2019 is 101 Kg. [Wt.Loss
of 4 Kgs over a period of 4 years is not
significant].

Thanking You

Yours sincerely,
Sd/-----''

5 The learned Government Advocate [Crl.Side] would submit
that at periodical intervals, the detainee is being taken to
Government Stanley Medical Hospital and her health is being
monitored continuously and if necessity and urgency requires,
she may be taken to Rajiv Gandhi Government General Hospital,
Chennai-3 as well as to Omandurar Multi Speciality Hospital,
Chennai-2 and her need as to the special diet would also be
looked into and as of now, she is provided with egg, dhall,
vegetables, bread, banana and non-vegetarian food twice a week
as per the Prison Norms.

6 The said submissions, on instructions, is placed on
record.

7 It is to be pointed out at this juncture that Article 21 of the Constitution of India is equally applicable to prisoners also and though the detainee is a Foreign National, she is a prisoner and as such, she is entitled to the said protection.

8 In the light of the contents of the letter of the Medical Officer, Special Prison for Women, Puzhal, Chennai-66 dated 09.03.2019, the detainee shall be given periodical medical check up and required medical treatment and she shall also be provided with the diet as of now [or] a better diet also.

9 The Habeas Corpus Petition is disposed of subject to the above directions.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Superintendent
Special Prison for Women
Puzhal, Chennai 600 066.

2.The Public Prosecutor,
Madras High Court, Madras.

SPD(CO)
CSL/07.05.2019

H.C.P.No.406/2019

सत्यमेव जयते

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