

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mrs. Justice R. HEMALATHA

H.C.P. No. 702 of 2019

K.Selvam

... Petitioner

-vs-

1.State Rep. by
The Additional Director General of Prison,
State Prisons H.Q. Egmore,
Chennai - 600 008.

2.The Superintendent of Prison,
Central Prison,
Puzhal - I,
Chennai - 600 066.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents herein to admit the petitioner Selvam, age 42 years, herein to the Tamil nadu Government Multi Super Speciality Hospital for specialized medical treatment on the basis of the petitioner's representation dated 16.02.2019.

For Petitioner : Mr.G.Pavendhan

For Respondents : Mr.R.Prathap Kumar
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner who is undergoing incarceration has come forward to file this Habeas Corpus Petition seeking a direction to the respondents to admit him in the Government Multi Super Speciality Hospital for undergoing a plastic surgery in the left hand and palm.

2. From the instructions given by the learned Additional Public Prosecutor, it appears that the petitioner does require a plastic surgery. However, the heart condition of the petitioner is not good enough to undergo the surgery as it involves an element of risk. Under those circumstances, we adjourned the matter to enable the petitioner to file an affidavit about his willingness to undergo the surgery.

3. Today, an affidavit has been filed by the petitioner making the following averments:-

"10. I state that I gone through the medical status report filed by the respondent. I undertake the risk of the said operation for lifelong betterment of my left hand and its best functioning. If anything goes wrong, I take the risk and the responsibility for the same and I give my consent for the said operation."

4. In such view of the matter, we direct the respondents to perform the surgery as required at the Department of Plastic Surgery in the Government Stanley Medical College and Hospital, Chennai. Though the records would suggest that the heart condition of the petitioner is not perfect, the respondents shall take adequate care to deal with the situation, notwithstanding the undertaking given by the petitioner. Therefore, while performing such surgery, the assistance of the Cardiologist also will have to be sought for and endeavor will have to be made towards the smooth conduct of the surgery.

5. Accordingly, the Habeas Corpus Petition stands disposed of .

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Additional Director General of Prison,
State Prisons H.Q. Egmore,
Chennai - 600 008.

2.The Superintendent of Prison,
Central Prison,
Puzhal - I,
Chennai - 600 066.

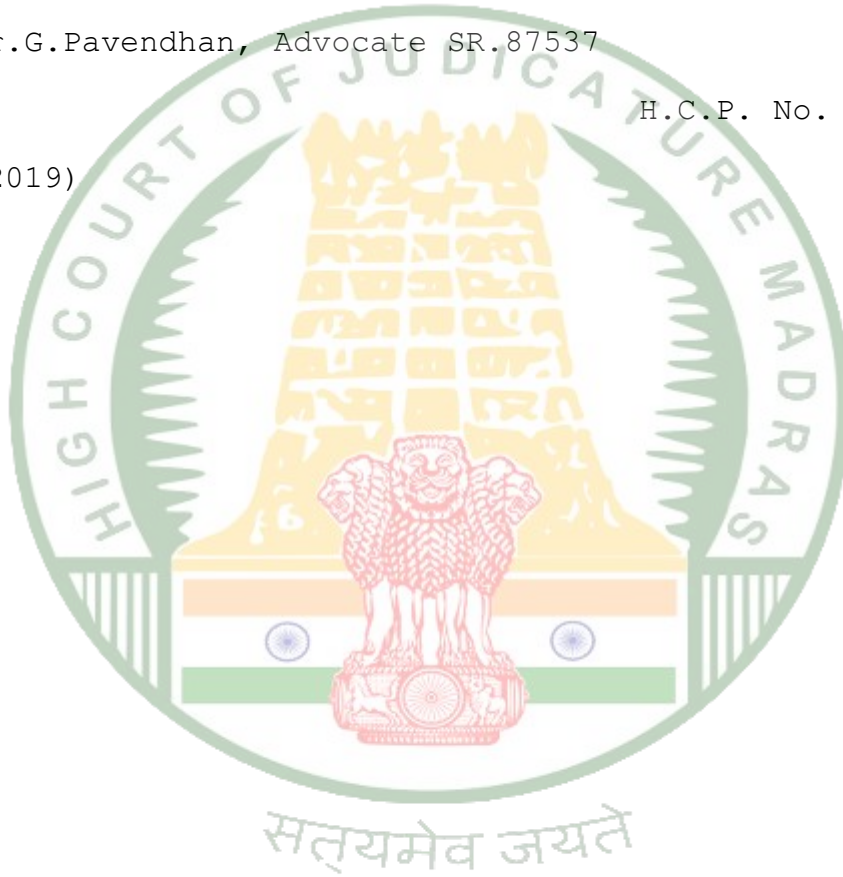
3.The Public Prosecutor,
High Court, Madras.

4.The Dean,
Department of Plastic Surgery,
Government Stanley Medical College
and Hospital, Stanley, Chennai.

+1cc to Mr.G.Pavendhan, Advocate SR.87537

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NRL(CO)
CB(29/11/2019)



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