

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10..06..2019
CORAM

The Honourable Mr Justice M.M.SUNDRESH
and
The Honourable Mr Justice M. NIRMAL KUMAR

Habeas Corpus Petition No.714 of 2019

Visalakshmi

... Petitioner

-Versus-

- 1.State of Tamil Nadu,
Rep. by its Secretary,
Home (Prison) Department,
Fort St. George, Chennai 600 009.
- 2.The Additional Director General of Police and
Inspector General of Prison,
Tamil Nadu Prison Department,
Egmore, Chennai 600 008.
- 3.The Superintendent of Prison,
Central Prison-I, Puzhal,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the 3rd respondent to periodically monitor the health condition of the petitioner's husband namely P.Nagendran, aged 50 years, son of Ponnusamy, (Life Convict No.1236) under Dr.Rela Institute & Medical Centre at No.7, CLC Works Road, Chrompet, Chennai, to enable him to take immunosuppressive medication of his post live transplantation.

For Petitioner	: Mr.N.R.Elango, Senior Counsel for Mr.M.R.Senthil Kumar
For Respondent	: Mr.I.Iyyapparaj, APP for R1 to R3

ORDER

[Order of the court was made by Justice M.M.SUNDRESH]

The petitioner is the wife of the life convict (convict No.1236). The convict underwent a liver transplantation. Thereafter, he continues to be in medical care. On an earlier occasion, this court had passed an order in C.M.P.No.2710 of 2019 in H.C.P.No.271 of 2018. It was put to challenge before the Apex Court. The following is the order dated 12.03.2019 in S.L.P.(Crl) No.1979 of 2019:-

"23. We do not consider the present to be a fit case for interference and for extension or grant of further parole. The primary grievance of the petitioner is that the convict (husband of the petitioner) being a liver transplant case, may require immediate medical attention which may not be available in the close vicinity of the Vellore Central Jail, where the convict is presently lodged. In view of the aforesaid apprehensions expressed by the learned counsel on behalf of the petitioner, we direct that the convict be transferred and lodged in the the Puzhal Central Jail, Chennai, which is closer to the specialized medical centres for care, if the convict be in need of such care."

2. The learned senior counsel for the petitioner would submit that the convict being a liver transplant case is in need of constant post-operative treatment and the Doctor who have performed transplantation surgery at Global Hospital, Chennai, has now joined Dr.Rela Institute & Medical Centre, Chrompet, Chennai, and therefore, the prison authorities may be directed to allow the petitioner to take post operative treatment as out patient in the above said private hospital.

3. The learned Additional Public Prosecutor, would, on instructions, submit that further treatment can be given in the Government Hospital itself. Though the convict was permitted to have surgery in the private hospital, the same having been done already, further continuation may not be required.

4. The prayer sought for by the learned senior counsel for the petitioner is rather limited and it is only for the purpose of continuation of the treatment pursuant to the transplantation surgery held already. We are, therefore, of the view that it would be appropriate to have the convict get the post operative treatment at the hands of the very same Doctor who have performed the surgery on the petitioner and joined Dr.Rela

Institute & Medical Centre, Chrompet, Chennai. This might be required in case the convict develops fever, jaundice, pruritus or blood in motion. We also make it clear that such a treatment may be given to the convict treating him as an out-patient.

5. Thus, considering the facts of the instant case, we are inclined to direct the respondents to permit the convict to have further treatment at Dr.Rela Institute & Medical Centre as aforesaid. We further make it clear that while doing so, the normal procedure in taking the convict out of the prison will have to be followed by the respondents.

6. In the result, this Habeas Corpus Petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kmk

To

- 1.The Secretary,
Home (Prison) Department,
Fort St. George, Chennai 600 009.
- 2.The Additional Director General of Police and
Inspector General of Prison,
Tamil Nadu Prison Department,
Egmore, Chennai 600 008.
- 3.The Superintendent of Prison,
Central Prison-I, Puzhal,
Chennai.
- 4.The Dean,
Dr.Rela Institute & Medical Centre,
Chrompet,
Chennai.

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5.The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.M.R.Senthil Kumar, Advocate sr.46569

H.C.P.No.714 of 2019

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nr 20/06/2019



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