

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice M. NIRMAL KUMAR

H.C.P. No. 918 of 2019
and Crl.M.P.No.6335 of 2019

Vivekanandan

... Petitioner
(husband of detainee)

-vs-

1.The State of Tamil Nadu
Rep. by its Secretary
Home Department
Fort St.George
Chennai-600 009

2.The Superintendent of Central Prison (Women)
Puzhal-III
Chennai-600 066

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents to produce the detainee Satya Mary @ Padma, wife of Vivekanandan, now confined at Central Prison (Women) Puzhal-III, Chennai-600 066 and set her at liberty to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.C.Iyyappa Raj
Addl. Public Prosecutor

ORDER

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

The Habeas Corpus Petition is filed by the Petitioner seeking a direction to the respondents to produce the detainee who is his wife for the purpose of extending adequate treatment for the ailments that is being suffered by her.

2. This Habeas corpus petition is continuous of the earlier proceedings wherein a similar circumstances have been made out, followed by treatment given.

3. On the averments made in the affidavit, we asked the learned Public Prosecutor to get a report from the Prison Hospital. The Prison Doctor has given a report and this was questioned by the petitioner,. Hence, we referred the case to the Medical Board.

4. The Medical Board has opined that insofar the eye sight of the detenie is concerned, she is advised to take bifocal glasses for both eyes. Insofar as the Cardiological problem is concerned, the opinion given is that, now, at present she is advised to continue the treatment which she is actually taking and come up for follow up action as there is no recurrence is reported and if there is further recurrence happened, she may be referred to the Cardiology Department.

5. Even the report of such instances by the petitioner has been taken into account and the report has final suggestion by perusing the earlier records. The learned Additional Public Prosecutor has submitted that a proper evaluation/examination has been done, after taking requisite test. This was done by the Medical Board as the petitioner has questioned the opinion of the Prison Doctor.

6. In view of the above, no further orders are required. We are of the view that we cannot substitute our view over a decision made by the competent Medical Board. The Medical Board has clearly stated that as of now, there is no records of recurrence of SVT. Therefore, reliance made by the learned counsel for the petitioner on the earlier order passed by this court, referring the case of the detenie to Multi Speciality Hospital has no factual basis. The report of the Medical Board is also to the effect that in case of recurrence, the detenie may be referred to Cardiology Department.

7. In such view of the matter, we are inclined to hold that in case of any further recurrence, the detenie could be referred to Cardiology Department. In such eventuality, her entire documents of medical records will have to be placed before the Cardiology Department for further treatment.

8. With the above observation, we also note that we also cross checked with the Jailor who is present before the court on the last occasion, who also stated that the condition of the detenie is progressing, she is also moving around and reading newspapers.

9. With the above observation, the Habeas Corpus Petition is closed. We however do not express anything on the need of the detainee for further treatment, in case, it arises in future.

-s/d-
Assistant Registrar(InspCell)

True Copy

Sub-Assistant Registrar

nvsri

To

1.The Secretary, Home Department
Fort St.George, Chennai-600 009

2.The Superintendent of Central Prison (Women)
Puzhal-III, Chennai-600 066.

3.The Public Prosecutor
High Court Madras

H.C.P. No.918 of 2019

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