

CRL.M.P.No.8683 of 2019
in
H.C.P.No.1991 of 2018

M.M.SUNDRESH,J.
AND
RMT.TEEKAA RAMAN,J.

(The Order of the Court was made by **M. M.SUNDRESH,J.,**)

The petitioner is the wife of the detenu. This petition has been filed by the petitioner seeking adequate treatment to the detenu, including surgery for the fracture in the spinal cord.

2. When the matter came up for hearing on 05.08.2019, we have adjourned the matter on four occasions so as to enable the learned Additional Public Prosecutor to get instructions particularly the report from the Medical Board.

3. Today, a report sent by The Chairman of the Medical Board, Cuddalore to The Dean, Rajiv Gandhi Government General Hospital, Chennai has been produced, wherein it has been stated that the Medical Board is of the view that the detenu has to be assessed by a

Neurosurgeon. However, since no such Neurosurgeon is available at the Government Headquarters Hospital, Cuddalore, he may be referred to Government Rajiv Gandhi General Hospital, Chennai-3.

4. We are of the view that the detenu has been suffering for nearly 1 ½ years. It is only pursuant to the order passed by this Court on 05.08.2019, atleast some steps have been taken. Merely because the detenu is under incarceration, it can never be said that adequate treatment is not required to be given. There appears to be some reluctance on the part of the Doctors and jail authorities viz., respondents in giving adequate treatment. The communication referred above does not say anything about the need for surgery. Exactly for the above said reason, we directed the respondents to get the opinion of the Medical Board. The fact that the detenu suffered injuries in Spinal cord is not in dispute. The said injuries have also been suffered during the period of incarceration. Thus, taking note of the aforesaid facts, we direct the respondents to refer the detenu to the private hospital of their choice.

5. The learned counsel appearing for the petitioner submitted

that though in the prayer, specified hospital has been sought for, the detenu can be referred to Pondicherry Institute of Medical Sciences Hospital, Puducherry which the detenu prefers. The learned Additional Public Prosecutor submitted has got no objection for the same.

6. Accordingly, the respondents are directed to refer the case of the detenu to Pondicherry Institute of Medical Sciences Hospital, Puducherry. If, on examination, any surgery is required, the hospital authorities will undertake the said process. In such case, it will be bound out by the detenu in his own costs. The statement made by the learned counsel appearing for the petitioner that the cost will be borne by the detenu stands recorded. It is needless to state that the respondents shall have adequate escort, if so required.

With the above direction, this Criminal Miscellaneous Petition is disposed of.

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(M.M.S.,J.) (T.K.R.,J.)
16.09.2019

Internet: Yes/no
Index : Yes/No

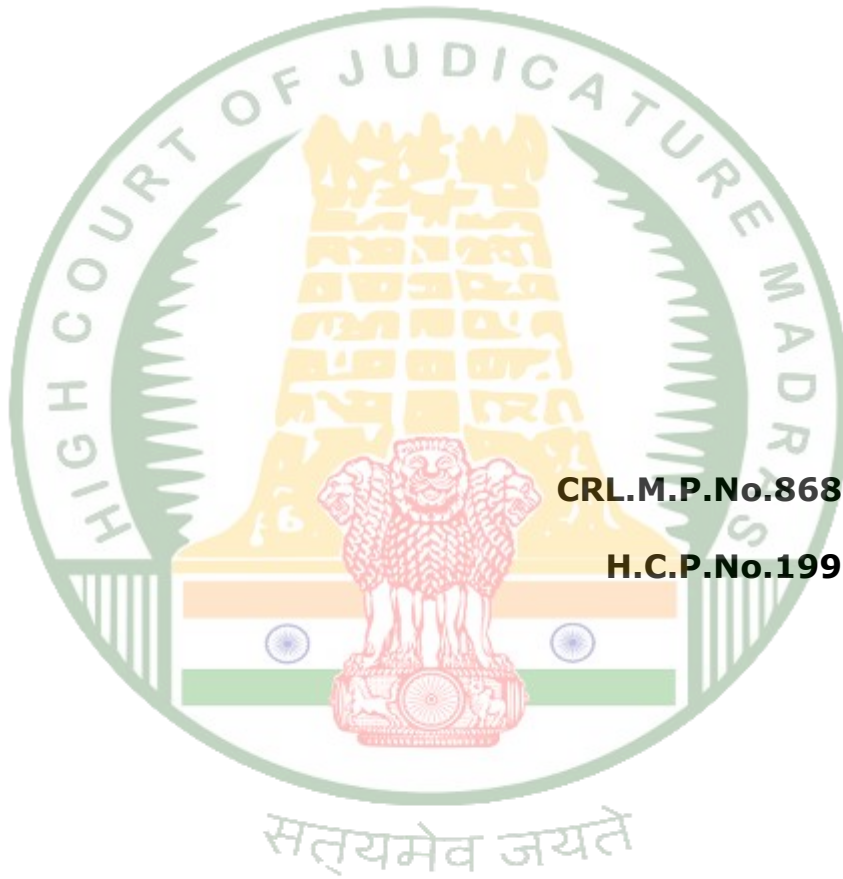
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