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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2019

CORAM

THE HONOURABLE MR JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

HABEAS CORPUS PETITION NO.1280 OF 2019

Naijira Kani

... Petitioner

-Versus-

- 1.Union of India,
Rep. by its Additional Superintendent of Police,
National Investigation Agency,
Kochi.
[In RC No.06/2019/NIA/DLI]
- 2.The Additional Director General of Police,
Department of Central Prisons,
CMDA Tower-II,
Gandhi Irwin Road,
Egmore, Chennai 600008.
- 3.The Superintendent,
Puzhal Central Prizon-I,
Service Road, St. Antony Nagar,
Puzhal, Chennai 600066.
- 4.The Additional Superintendent,
Special Sub Jail,
Poonamallee,
Chennai 600056.
- 5.The Dean,
Madras Medical College &
Rajiv Gandhi Government General Hospital,
EVR Salai,
Chennai 600003.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing 5th respondent to provide Special Medical Treatment to the son of the petitioner by name Thowheedh Batcha, aged 26 years, Son of Thareek Batcha, present confined at Special Sub Jail, Poonamallee at Chennai, for the injuries sustained due to the



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custodial torture of electrocuting his penis and physical assault by the special team of officers headed by the 1st respondent by using blunt weapons for illegal purpose.

For Petitioner : Mr.S.Shanmugha Velayudham,
Senior Counsel for
Mr.A.Nowfal

For Respondents :
Mr.R.Karthikeyan for R1
Mr.C.Iyyapparaj,
APP for RR2 to 4

ORDER

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

The petitioner is the mother of the detenu - Thowheedh Batcha. Seeking a direction to the 5th respondent to provide special medical treatment to the detenu for the injuries alleged to have been sustained due to the custodial torture at the hands of the Special Officers headed by the 1st respondent, the petitioner is before this court with this petition.

2. The grievance of the petitioner is with respect to provision of special medical treatment for the alleged injuries suffered during custody.

3. On a perusal of the affidavit filed in tune with the relief sought for, we are not inclined to go into the plea of alleged injuries sustained in custody. The learned Magistrate in her order dated 03.06.2019 has stated as follows:-

"Heard, perused. The petitioners / A1 to A10 and A17 were produced before this court today after police custody. They were all asked about the police custody and their answers were recorded, in which they alleged some physical and mental ill-treatment by the respondent during police custody. The respondent / NIA has filed the copy of the medical reports in respect of the petitioners for each of police custody to show that the petitioners / A1 to A10 and A17 are in stable health condition. In the said circumstances and having inquired the petitioners A1 to A10 and A17 about the police custody, this Court feels that there is no necessary to pass any order as prayed for in this petition. Accordingly, this petition is dismissed. However, the office is directed to



address the Superintendent, Special Sub Jail, Poonamallee, Chennai, to provide proper medical treatment to the petitioners / A1 to A10 and A17, as per rules, if required in future."

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4. The affidavit filed by the 3rd respondent also would indicate that different medical officers attended to the detenu. In such view of the matter, we are of the view that no further orders are required except directing the 3rd respondent or the 4th respondent, as the case may be, to make sure that adequate medical treatment is given as and when complaint is made and if so required.

5. In the result, this Habeas Corpus Petition is closed accordingly with the above directions.

kmk

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Additional Superintendent of Police,
National Investigation Agency,
Kochi.
[In RC No.06/2019/NIA/DLI]
- 2.The Additional Director General of Police,
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- 3.The Superintendent,
Puzhal Central Prison-I,
Service Road, St. Antony Nagar,
Puzhal, Chennai 600066.
- 4.The Additional Superintendent,
Special Sub Jail,
Poonamallee,
Chennai 600056
5. The Public Prosecutor,
High Court, Madras.



+1cc to Mr.R.Karthikeyan, Advocate, SR.No.57934
+3CCs to Mr.A.Nowfel, Advocate, SR.No. 58338

H.C.P.No.1280 of 2019

Kak(22/08/2019)