

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

AND

THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

H.C.P. No. 1760 of 2019

Najira Kani

..Petitioner

Vs.

1. Union of India,
rep.by 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 Prison,
CDMA Tower-II,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.
 3. The Superintendent of Prison,
Puzhal Central Prison-I,
Service Road, St. Antony Nagar,
Puzhal, Chennai - 600 066.
 4. The Additional Superintendent,
Special Sub Jail,
Poonamallee, Chennai - 600 056.
- ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Habeas Corpus to direct the respondents to provide special medical treatment in the private hospital to the petitioner's son Thowqeeth Batcha, S/o, Tharik Basha, aged about 26 years, presently confined at Special Sub Jail, Poonamallee at Chennai and now admitted in the Stanley Hospital, suffering due to the 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 and to provide appropriate and effective medical treatment, to save his life from any untoward incidents.

For Petitioner :: Mr.A. Raja Mohamed

For Respondents:: Mr.R. Karthikeyan
Special Public Prosecutor (for
NIA Cases) for R1
Mr.R. Prathap Kumar
Addl. Public Prosecutor for
R2 to R4

O R D E R

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

This Habeas Corpus Petition is filed seeking a direction to the respondents to provide special medical treatment in a private hospital to the detenu, who is the son of the petitioner.

2. When the matter is taken up for hearing today, the learned Additional Public Prosecutor produced a copy of the letter dated 03.09.2019 sent by Professor, Department of Urology, Government Stanley Medical College & Hospital. The aforesaid letter is reproduced hereunder:

"26 years old Mr.Thowheeth Basha, was admitted on 12.008.2019 in Stanley Medical College, convict ward, under General Surgery Department with complaints of left loin pain for 2 months. Ultrasound abdomen and pelvis, ultrasound scrotum showed no significant abnormality. CT KUB with urogram was done, which showed bilateral renal calculi. Patient was taken over by Department of Urology in view of bilateral renal calculus and fitness for B/L URS and DJ stenting obtained. Patient initially denied surgery as patient had appealed for further treatment at a private hospital. The hearing was postponed to Friday 30.08.2019, by then patient was willing to undergo surgery here and had consented for the same. Patient underwent Bilateral Ureterorenoscopy and Bilateral Double J Stenting on 30.08.2019. Post operative period was uneventful and planned for ESWL at Rajiv Gandhi Government General Hospital, Chennai."

3. In the light of the same, we are of the view that no further orders are required. However, we make it clear that further treatment will have to be given to the detenu as required.

4. With the above observation, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(CCC)

//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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Puzhal, Chennai - 600 066.
4. The Additional Superintendent,
Special Sub Jail,
Poonamallee, Chennai - 600 056.
5. The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

H.C.P. No. 1760 of 2019

sv(co)
nr 09/10/2019

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