

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P.No.1137 of 2020

Visalakshi

... Petitioner

Vs

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

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, directing the 3rd Respondent to provide medical treatment to the petitioner's husband namely P.Nagendran S/o Ponnusamy, aged about 52 years, (serving as life convict No.1236) for his post liver transplantation under Dr.Rela Institute & Medical Centre at No.7, CLC Works Road, Chrompet, Chennai as per Order made in H.C.P.No.714 of 2019 dated 10.06.2019 and permit him to get treatment as in-patient whenever the situation is warranted.

For Petitioner : Mr.N.R.Elango,
Senior Counsel.
For Mr.M.R.Senthil kumar

For Respondents: Mrs.M.Prabhavathi,
Additional Public Prosecutor.

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conferencing".

2.The Petitioner who is a life convict, seeks direction to the third Respondent to provide him post operative treatment as he has undergone liver transplantation in Dr.Rela Institute & Medical Centre at No.7, CLC Works Road, Chrompet, Chennai as per Order made in H.C.P.No.714 of 2019 dated 10.06.2019.

3.Mr.N.R.Elango, learned Senior Counsel for the Petitioner would submit that as per the Order dated 10.06.2019, the Petitioner's husband was taken to Dr.Rela Institute & Medical Centre on 16.01.2020, wherein the doctor had examined him and had advised for consultation on 06.04.2020 for further medical examination. However, since the authorities did not permit the Petitioner's husband to take further treatment, the Petitioner was compelled to give two representations dated 25.05.2020 and 10.06.2020. Since, those representations have not been considered and the Order of this Court made in H.C.P.No.714 of 2019 has not been complied, the present petition has been filed.

4.Heard Mr.N.R.Elango, learned Senior Counsel appearing for the Petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing for the Respondents.

5.The factum of undergoing liver transplantation is not denied by the learned Additional Public Prosecutor. As per the earlier Order passed by this Court in H.C.P.No.714 of 2019, the Petitioner's husband is required to undergo further medical treatment as he has undergone liver transplantation. Hence, this Court is inclined to direct the authorities to take the Petitioner's husband for treatment after getting prior appointment from the said hospital.

6.Accordingly, this Court directs the authorities to take the Petitioner's husband P.Nagendran S/o Ponnusamy, aged about 52 years, (serving as life convict No.1236) for his post liver transplantation as out patient to Dr.Rela Institute & Medical Centre at No.7, CLC Works Road, Chrompet, Chennai within a period of one week from the date of receipt of a copy of this Order with sufficient police protection, as the Petitioner's husband is facing many murder trials and there is a threat to his life.

7.In the result, this Petition is disposed of with the above directions.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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

RSV (CO)
RMP (24/07/2020)

H.C.P.No.1137 of 2020

सत्यमेव जयते

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