

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2755 of 2019

C.Rajeshwari

... Petitioner

Vs

1. The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat,
Chennai.
2. The Additional Director General of Police (Prison)
Whannels Road,
Egmore, Chennai 600 008.
3. The Superintendent of Prison,
Puzhal,
Chennai 600 006.
4. The Government Stanley Hospital,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondent to grant parole to the petitioner's husband Thiru.K.V.Meenakchinathan convict (No.7300) son of Vallinayagam, aged about 63 years who is confined in Central Prison, Puzhal for consideration of the petitioner representation letter dated 26.11.2019 to give medical treatment in the private hospital.

For Petitioner : M/s.R.Bhagawat Krishna
For Respondents : Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R
[Order of this Court was made by R.SUBBIAH, J]

The petitioner is the wife of the ***Convict Prisoner** viz., V. Meenakshinathan, who has been convicted under Sections as stated below:-

(a) Under Section 120-Br/w 419, 420, 467, 468, 471 IPC, 511 IPC r/w 420 IPC	To undergo SI for 4 years and to pay a fine of Rs.1 lakh in default to undergo SI one year
(b) Under Section 420(3 counts) IPC	To undergo RI for 5 years each count and to pay a fine of Rs.6 lakhs in each count (Rs.6 lakhs x 3 = 18 lakhs) i/d to undergo SI for 6 months.
(c) Under Section 471 IPC (3 counts)	To undergo RI for 5 years in each count and to pay a fine of Rs.6 lakhs in each count (Rs.6 lakhs x 3 = Rs.18 lakhs), i/d to undergo SI for 6 months
(d) Under Section 511 r/w 420 IPC	To undergo 3 years RI and to pay a fine of Rs.5 lakhs i/d to undergo 6 months SI

Now, the petitioner is before this Court with this Habeas Corpus Petition for granting parole to the ***Convict Prisoner** on medical grounds.

2. The learned counsel for the petitioner contended that the petitioner's husband is undergoing life sentence in Central Prison, Puzhal for the last ***One year**. While so the convict showed signs of having residual of Pituitary Tumour and he was admitted in Government Stanley Hospital on 20.11.2018 for treatment and the Doctors suggested to undergo surgery compulsory. The convict is not willing to take treatment at Government Hospital. He further contended that during the year 2014 he had undergone brain operation in Apollo Hospital before imprisonment and that the ***Convict Prisoner** is in need of treatment and seeks leave for a period of four weeks.

3. The learned Additional Public Prosecutor on instructions submitted that Specialist Surgeons in Government Stanley Hospital had advised the prisoner to undergo surgery but the prisoner refused to give his consent to undergo surgery in Government Stanley Hospital. Sufficient facilities are available in Government Stanley Hospital to treat the prisoner and thus he opposed to grant leave to the ***Convict Prisoner**.

4. In view of the facts and circumstances of the case and considering the fact that the petitioner's husband is suffering from Pituitary Tumour and that he has to undergo treatment, this Court is inclined to grant four weeks leave for the ***Convict Prisoner** to undergo required treatment for the Pituitary Tumour suffered by him and for surgery, if so, suggested by Doctors, at the cost of the petitioner, subject to the compliance of the usual conditions and formalities which are to be followed as per the Prison Manual. Accordingly, the ***Convict Prisoner**, viz., K.V.Meenakchinathan is ***granted leave** for four weeks from ***17/02/2020 to 16/03/2020** and he ***shall be taken** back to prison on ***16/03/2020** at 5:00 p.m. without fail.

a) The Jail Authorities, during the leave period, as mentioned above, shall provide adequate and minimum escort to the ***Convict Prisoner** viz., K.V.Meenakchinathan, in order to ensure his safety and security, at the cost of the petitioner. They shall also impose suitable conditions to that effect.

b) The ***Convict Prisoner** should abide by the conditions to be imposed by the Jail Authorities.

5. The Habeas Corpus Petition is disposed of with the above direction.

6. For reporting compliance post on 04.03.2020

Sd/-

Assistant Registrar

***Corrected as per order of
this court dated 06/02/2020 made in
CrI MP.1551/2020 and made herein**

-s/d-

Assistant Registrar(CSVI)

dt 10/02/2020

// True Copy//

Sub Assistant Registrar

dpq

To

1. The Secretary to Government (To be Substituted to the
Home, Prohibition and (order already despatched
Excise Department, (on 03/02/2020)
Secretariat,
Chennai.

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2. The Additional Director General of Police (Prison)
Whannels Road,
Egmore, Chennai 600 008.

3. The Superintendent of Prison,
Puzhal,
Chennai 600 006.

4. The Government Stanley Hospital,
Chennai.

5. The Public Prosecutor,
High Court, Madras.

6. The XI Additional Sessions Judge,
CBI Cases, Chennai.

7. The Inspector of Police,
CBI/EOW, Chennai.

Copy to: The Section Officer,
Criminal Section,
High Court, Madras-104

+1cc to Mr.R.Bhagawat Krishna, Advocate, SR.No.*9255

H.C.P.No.2755 of 2019

SVI(CO)
CSR: 31.01.2020
aa11/02/2020



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