



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

W.P(MD)No.10259 of 2020

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Kamatchi, W/o.Karki

F/A 36 Yrs

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Home (Prison) Department,
Fort St. George,
Chennai - 600 009.

2.The Additional Director General of Police and
The Inspector General of Prison,
Tamil Nadu Prison Department,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3.The Superintendent of Prison,
Central Prison,
Madurai.

4.The Prison Medical Officer,
Central Prison,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the third respondent herein to permit the petitioner's husband namely, Karki, aged about 38 years, who had been detained in Central Prison, Madurai, in Crime No.1750 of 2020, on the file of the Avaniyapuram Police Station, Madurai, to give proper treatment for retrieving the hearing sense in private hospital at the cost of the petitioner, by considering the representation given by the petitioner, dated 07.07.2020, within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.P.Venkatesan

For Respondents : Mr.S.Chandrasekar

Additional Public Prosecutor

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the third respondent herein to permit the petitioner's husband viz., Karki, aged about 38 years, who had been detained at Central Prison, Madurai, in connection with Crime No.1750 of 2020, on the file of the Avaniyapuram Police Station, Madurai, to give proper treatment for retrieving the hearing sense



in a private hospital at the cost of the petitioner, by considering the representation given by the petitioner, dated 07.07.2020.

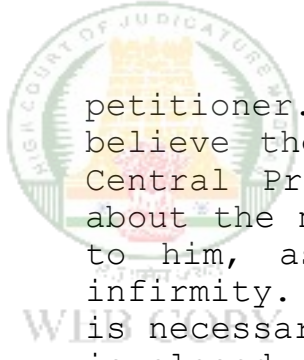
2.The grievance of the petitioner is that she is the wife of one Karki, who had been remanded to judicial custody for the offence punishable under Sections 147, 148 and 302 IPC in Crime No.1750 of 2020, on the file of the Avaniyapuram Police Station, Madurai. On 21.06.2020, the Police officials attached to the Avaniyapuram Police Station, Madurai, came to the house of the petitioner and made enquiry in respect of a murder case relates to one Avva @ Muthuselvam. Thereafter, the husband of the petitioner and three others were taken to the Police Station. After that, they had been tortured by the Police on 22.06.2020 and brutally attacked in untold manner and thereby, all were sustained severe injuries and they were remanded only on 24.06.2020. Subsequent to that, for the injury sustained, the husband of the petitioner was admitted in Government Hospital at Melur, by the third respondent herein, on 03.07.2020. After admission in the hospital for treatment, the petitioner came to know that her husband lost his hearing sense. In the said circumstances, she filed this Writ Petition stating that she is ready to bear the cost of treatment, which would be given in the private hospital and therefore, ordering the Writ Petition, to direct the third respondent for admitting the petitioner's husband in a private hospital, is necessary.

3.In response to the grievance redressed by the petitioner, the learned Additional Public Prosecutor appearing for the respondents, after submitting the medical report given by Medical Officer, Prison Hospital, Central Prison, Madurai, dated 28.08.2020, would submit that while at the time of lodging the petitioner's husband in the Prison, the third respondent herein found that the petitioner's husband is having some trouble and therefore, he directed his subordinates to admit him in the hospital, for taking treatment. According to him, on 22.07.2020, the petitioner's husband was discharged from the Prison Hospital after completing the treatment. As of now, he is in the prison as that of the ordinary prisoner.

4.A close reading of the report given by the Medical Officer, Prison Hospital, Central Prison, Madurai, shows that necessary treatment was given to the husband of the petitioner and on completion of the same, he was sent to block, in which, he had been detained.

5.Upon considering the submissions made by the learned counsel appearing on either side, now, the only issue to be decided in this Writ Petition is, as of now, whether further treatment is necessary to the petitioner's husband or not.

6.In this regard, in order to substantiate the contentions raised by the petitioner, i.e., still now the petitioner's husband is suffering hearing loss, no document has been produced by the



petitioner. In the said circumstances, it would be appropriate to believe the report given by the Medical Officer, Prison Hospital, Central Prison, Madurai, who is the competent person to describe about the medical condition of the petitioner's husband. According to him, as of now, the petitioner's husband is not having any infirmity. Therefore, in the said circumstances, no further order is necessary in this Writ Petition. Accordingly, this Writ Petition is closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

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Sub Assistant Registrar(CS)

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Note :- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary Government of Tamil Nadu,
Home (Prison) Department,
Fort St. George,
Chennai - 600 009.
- 2.The Additional Director General of Police and
The Inspector General of Prison,
Tamil Nadu Prison Department,
Gandhi Irwin Road,
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- 3.The Superintendent of Prison,
Central Prison,
Madurai.
- 4.The Prison Medical Officer,
Central Prison,
Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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