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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.12649 of 2021

B.Radha

...Petitioner

Versus

1. The Deputy Inspector General of Prisons
(Head Quarters)
Prison Head Quarter Office
Gandhi Irvin Salai
Egmore, Chennai 600 008.

2. The Superintendent of Prison,
Central Prison, Trichy - 20.

3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai 600 066.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent No.1 to consider the representation of the petitioner dated 27.05.2021 and transfer the petitioner's husband Mr.Balasubramaniyan, S/o.Duraisamy, aged 65 years, now confined in the Central Prison, Trichy - 20 to the Central Prison-1, Puzhal, Chennai for his medical treatment.

For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.A.Damodaran
Government Advocate
(Criminal Side)

ORDER

This petition has been filed to issue a Writ of Mandamus, directing the respondent No.1 to consider the representation of the petitioner dated 27.05.2021 and transfer the petitioner's husband Mr.Balasubramaniyan, S/o.Duraisamy,



aged 65 years, now confined in the Central Prison, Trichy - 20 to the Central Prison-1, Puzhal, Chennai for his medical treatment.

2. The petitioner, who is the wife of the accused/Mr.Balasubramaniam, has sent a representation on 27.05.2021 to the Deputy Inspector General of Police, Seeking transfer of her husband to the Central Prison, Puzhal, Chennai, for a better medical treatment. Earlier the petitioner's husband was convicted under Section 7 of Prevention of Corruption Act, 1988 and 13(2) r/w 13(1) (e) of Prevention of Corruption Act, 1988, in C.C.No.1 of 2004 by the Special Judge, Pudhukottai and by order dated, 16.07.2006, he was sentenced to undergo 2 Years Rigorous Imprisonment and he further convicted under Section 13 (2) r/w 13(1) (e) of Prevention of Corruption Act, 1988 and sentenced to undergo 2 years Rigorous Imprisonment and both the sentences were ordered to run concurrently, against which, the petitioner had filed a Criminal Appeal Petition in Crl.A.(MD). No.364 of 2008 and the same was dismissed. Thereafter, he had approached the Hon'ble Apex Court in SLP.No.10942 of 2019, which was also dismissed, by confirming the conviction and sentence of the trial Court. Now the petitioner's husband has been taking treatment for his Osteoporosis with Crdiomyopathy, Spinal Spondylosis and other diseases. Despite the same and coming to know about the dismissal of the SLP.No.10942 of 2019, on 03.06.2019, the petitioner's husband has been shifted from Chennai to Pudukottai in an Ambulance for surrendering before the Chief Judicial Magistrate, Pudhukottai. Thereafter, he has been confined in Central Prison, Trichy. Since the petitioner's husband is having various health ailment and he is unable to take care of himself due to his old age, he was referred to Hospital. Now, he needs expert treatment in Rajiv Gandhi Government Hospital, Chennai. The family members of the accused are resident of Chennai and they are financially constraint to enable them to visit regularly in the Central Prison, Trichy, to provide medical facility. Hence, the learned counsel seeks transfer of the petitioner's husband from the Central Prison, Trichy to Central Prison, Puzhal, Chennai.

3. The learned Government Advocate (Crl.Side) has submitted that he does not dispute the contention of the petitioner. Further, he had produced the Medical Certificate issued by the Assistant Surgeon, Central Prison Dispensary, Central Prison, Tiruchy, which is extracted hereunder:

"This is to certify that Mr.Balasubramaniam 63/M, S/o.Duraisamy CT 23062 is a known case of Rheumatoid Arthritis with joint destruction (multiple bone joint deformity - acquired autoimmune cause leading



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to bedridden status). He also had history of hip replacement surgery. He is currently on inpatient treatment in Central Prison Dispensary. He is being taken care with pain management, bedsore prevention. At present his clinical condition is stable with no acute flares (sudden Rheumatoid disease activity increase). He will need frequent expert. Consultations as per the advice of Doctors in MGM Hospital, Trichy."

4. He further submitted that the petitioner's husband needs expert medical treatment and hence, he may be referred to the Stanley Government Hospital, Chennai (special ward for convict and prisoner).

5. Considering the above submissions and perusal of Medical Certificate, it is seen that the petitioner's husband needs expert medical treatment as his health condition is very bad. In view of the same, this Court directs that the petitioner's husband to be transferred from the Central Prison, Trichy, to Central Prison, Puzhal, Chennai, for providing the medical facilities to the petitioner's husband, as per the Prison Rules.

6. Accordingly, this Writ Petition is disposed of with the above directions. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dna

To

1. The Chief Judicial Magistrate, Pudhukottai.
2. The Deputy Inspector General of Prisons
(Head Quarters)
Prison Head Quarter Office
Gandhi Irvin Salai
Egmore, Chennai 600 008.
3. The Superintendent of Prison,
Central Prison, Trichy - 20.



4. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai 600 066.

5. The Public Prosecutor
High Court, Madras.

W.P.No.12649 of 2021

PMK[co]
NSK 16/07/2021