



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.13646 of 2021
and WMP.No.14502 of 2021

N.Parthasarathy

...Petitioner

Vs.

1. Home Secretary to the
Government of Tamil Nadu,
St.George Fort,
Chennai - 600 009.
2. The Director General of Police,
Dr.Radha Krishnan Salai,
Mylapore, Chennai.
3. The Commissioner of Police,
Chennai City,
E.V.K.Sampath Salai,
Vepery, Chennai.
4. The Superintendent,
Central Puzhal Prison - II,
Puzhal.
5. The Inspector of Police,
R-9, Valasaravakkam Police,
Chennai.
(Crime No.524 of 2021)

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent The Superintendent, Central Puzhal Prison - II, Puzhal, Chennai, to admit the P.Manikandan, Son of N.Parthasarathy accused in Crime No.524 of 2021 pending investigation on the file of the Inspector of Police, R-9, Valasaravakkam Police Station, before The Rajiv Gandhi Government Hospital at Chennai for the surgery which was originally slated to take place on 24.06.2021.



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For Petitioner : Mr.C.D.Johnson for
Mr. T.Saraganan

For Respondents : Mr.A.Damodaran,
Government Advocate [Crl. Side]

O R D E R

This Writ Petition is filed directing the fourth respondent The Superintendent, Central Puzhal Prison - II, Puzhal, Chennai, to admit the P.Manikandan, Son of N.Parthasarathy accused in Crime No.524 of 2021 pending investigation on the file of the Inspector of Police, R-9, Valasaravakkam Police Station, before The Rajiv Gandhi Government Hospital at Chennai for the surgery which was originally slated to take place on 24.06.2021.

2.The petitioner is the father of one P.Manikandan, who was arrested by the Special Team on 01.06.2021 at about 9.45 p.m. at Puthupakkam. During the arrest the petitioner's son had sustained fracture in his left hand and left leg. On the next day i.e. 02.06.2021, the petitioner's son was taken to the Stanley Government Hospital for treatment and then transferred to Rajiv Gandhi Government Hospital, Chennai for further treatment. On 03.06.2021, at about 04.00 p.m. the petitioner's son was remanded to judicial custody by learned Judicial Magistrate No.I, Poonamallee.

3.The petitioner's son was earlier arrested in the year 2018, during the arrest he got fracture in his right hand and right leg. Hence the petitioner preferred a H.C.P. before this Court for treatment. As per the order of this Court in HCP.No.1239 of 2018, the petitioner's son was admitted in Omanthurar Medical College and Hospital for further treatment. At that time surgery was conducted by one Doctor viz., Mr.K.P.Manimaran, who is the Head of Ortho Department, who performed the surgery when he sustained injury on his right hand and right leg at the Ortho Department in the Omanthurar Hospital.

4.He further submitted that during the arrest on 01.06.2021, the petitioner's son sustained injury on his left hand and left leg. Subsequently, he was admitted in the Rajiv Gandhi Government Hospital and steel rod was inserted. First surgery in the left leg was performed on 10.06.2021 and second set of surgery in the left hand was slated to be performed on 24.06.2021. The petitioner's son was treated by Dr.K.P.Manimaran and his team, decided that the petitioner's son should be kept under observation. In these circumstances, on 21.06.2021, the petitioner's son was discharged from the Rajiv Gandhi Government Hospital and transferred to Stanley Government Hospital.



Thereafter on 05.07.2021, the petitioner's son was taken for surgery for his right forearm. The petitioner's son refused for the surgery to be conducted in Stanley, and he was sent back to the prison.

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5. Now the petitioner's contention is that due to the fracture, the petitioner's son is unable to carry on with his daily routine work, since his right hand movement is greatly impaired. The respondent police wanted the petitioner's impediment to become permanent hence delaying and denying the surgery. Now the petitioner is ready for the surgery by Dr.K.P.Manimaran, who had conducted the surgery on him earlier.

6. The learned Government Advocate (Crl. Side) submits that the petitioner's son is a notorious rowdy having various criminal cases against him and the special team had nabbed him. At that time, the petitioner's son had attacked the police man of the team, who sustained grievous injury. Thereafter, the petitioner's son was apprehended and he was also found with an unlicensed pistol.

7. The petitioner's son was apprehended with great difficulty, he was provided with necessary security, while he was taking treatment in the hospital, since there is an exclusive ward for convict prisoners which is well guarded. The petitioner's son was shifted to Stanley hospital for surgery considering safety and security. The petitioner's son refused for further treatment and he was sent back to Sub Jail, Poonamallee. The petitioner's son was shifted from one hospital to another for treatment after getting advice and approval from the doctors, it is not the unilateral action of the police authorities.

8. Heard both sides.

9. Considering the submissions and on perusal of the materials, it is seen from the discharge summary of Stanley Government Hospital that "a patient has been posted for surgery on 05.07.2021, for both left bone forearm, but patient refused and not willing for surgery". Thereafter, only he was discharged from the hospital and sent to the prison. Now the objections of the respondent is that for security reasons the patient will be taken to the Stanley Government Hospital only. In such case the petitioner has no objection, the only requirement is that Dr.K.P.Manimaran, Ortho Surgeon, who earlier conducted surgery for the fracture on his right forearm to conduct the present surgery. For conducting surgery on the petitioner's son Dr.K.P.Manimaran to be deputed from Rajiv Gandhi Government Hospital to Stanley Government Hospital for surgery and treatment for the petitioner's son.



10. In view of the above, the Jail authorities shall co-ordinate with the concern Deans and the Doctor, who is to conduct surgery and give treatment to the petitioner son.

11. With the above observation, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

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Sub Assistant Registrar

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To

1. The Home Secretary to the
Government of Tamil Nadu,
St. George Fort,
Chennai - 600 009.
2. The Director General of Police,
Dr. Radha Krishnan Salai,
Mylapore, Chennai.
3. The Commissioner of Police,
Chennai City,
E.V.K. Sampath Salai,
Vepery, Chennai.
4. The Superintendent,
Central Puzhal Prison - II,
Puzhal.
5. The Inspector of Police,
R-9, Valasaravakkam Police,
Chennai.
6. The Public Prosecutor,
High Court, Madras.



Copy to:

1. The Dean,
Rajiv Gandhi Government Hospital,
Chennai.

2. The Dean,
Stanley Government Hospital,
Chennai.

W.P.No.13646 of 2021
and WMP.No.14502 of 2021

GJ(CO)
RGA(01/09/2021)