



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2021

CORAM :

WEB COPY

THE HONOURABLE **Mr.JUSTICE G.ILANGO VAN**

W.P.(MD)No.7805 of 2021

Seethalakshmi

...Petitioner

/Vs./

1.The Superintendent of Police,
Sivagangai District, Sivagangai.

2.The Inspector of Police,
Palayanur Police Station,
Sivagangai District.

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

4.The Dean,
Government Rajaji Hospital,
Madurai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents to admit the petitioner's husband Mr.Muthuservai, remand accused in Crime No.32 of 2018 on the file of the second respondent police in Meenakshi Mission Hospital, Madurai or Apollo Hospital, Madurai for taking specialized treatment for the incurred stroke, nerves problem, lost of eye vision, chronic diabetic and chronic hyper-pressure.

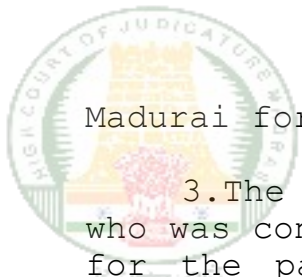
For Petitioner : Mr.V.Raghavachari
for Mr.K.R.Laxman

For Respondents : Mr.R.Srinivasan
Government Advocate (Criminal Side)

ORDER

By consent, this Writ Petition is taken up for final hearing at the admission stage itself.

2.This petition is filed seeking a direction to the respondents to admit the petitioner's husband Muthuservai, who is the remand accused in Crime No.32 of 2018 on the file of the second respondent police in Meenakshi Mission Hospital, Madurai or Apollo Hospital,



Madurai for taking specialized treatment.

3.The case of the petitioner is that her husband Muthuservai, who was convicted in Crime No.32 of 2018, is aged about 68 years and for the past 10 years, he is having Chronic diabetic and hyper tension etc. He is also suffering from eye ailment and he was continuously taking treatment for various ailments in private hospital, Madurai. He was involved in a criminal case, which, ended in conviction and now, he is confined in the Central Prison, Madurai. The bail application filed by her husband and the same was dismissed by this Court. Against which, the petitioner's husband preferred Special Leave Petition No.2189 of 2020 before the Hon'ble Supreme Court of India and the same was dismissed by order dated 19.03.2020, stating that the petitioner is at liberty to move the bail application before this Court. After that, her husband filed a bail application before this Court, which is posted on 08.04.2021 for consideration. He is in judicial custody for the past several months. Her husband's health condition is not good. Day-by-day his health condition is deteriorated. Hence, the petitioner made a representation to the third respondent on 02.03.2021 for shifting the convict to the private hospital for better treatment. He further stated that in the criminal appeal, a report has been called for from the third respondent, which was also received. Now, he has developed multiple problems such as loss of vision, stroke nervous problem, uncontrolled chronic diabetic and uncontrolled high pressure and he is not in a position to lifting his hand for taking food. So, the convict was shifted to the fourth respondent hospital on 03.04.2021. In such circumstances, this petition is filed seeking a direction to shift the convict either to Appollo Hospital or Meenakshi Mission Hospital for further treatment. The petitioner's counsel undertakes that the petitioner is also ready to bear the expenses for medical treatment as well as the escort expenses.

4.According to the learned counsel for the petitioner, her husband-Muthuservai is very seriously ill and as a dutiful wife, she has to give proper treatment and take care of him during his ill-health. It is also further seen that the bail application has been moved before the concerned court which is pending for consideration. At this moment, the learned counsel for the petitioner would submit that subject to the order to be passed by this Court for bail, this petition may be considered as a temporary measure to shift the convict to the private hospital for better treatment.

5.Regarding the health condition of the convict, the fourth respondent has addressed a letter to the Special Government Pleader, Madurai Bench of Madras High Court, Madurai, dated 05.04.2021, wherein, it has been mentioned that there was weakness on the right upper limb and lower limb and experts difficulty in mixing food. On CNS examination, weakness of right upper limb and lower limb was



also advised to take MRI brain and now, condition is stable. The Echocardiographic report has shown a diastolic dysfunction and also a mild prastatomegdly has been noticed. The medical reports are dated 07.04.2021.

6. From the medical report, it is seen that the convict is not in a good condition. Now, the petitioner wants better medical treatment in the private hospital. I am of the considered view that on humanitarian ground, the request made by the petitioner can be considered. This Court is of the considered view that a direction may be given to the respondents to shift the convict from the Government Rajaji Hospital to Meenakshi Mission Hospital, Madurai for treatment forthwith. After the treatment is over, he may be taken back to the prison and expenses for the escorts as well as the treatment will be borne by the petitioner.

7. With the above direction, the writ petition is disposed of. No costs.

8. Post the matter on 23.04.2021 "for reporting compliance".

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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 Superintendent of Police,
Sivagangai District, Sivagangai.

2. The Inspector of Police,
Palayanur Police Station,
Sivagangai District.

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



4.The Dean,
Government Rajaji Hospital,
Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-15720[F] dated 09/04/2021)

W.P. (MD) No. 7805 of 2021
09.04.2021

ark(CO)
TR(09.04.2021) 4P 7C