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H.C.P.No.784 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN**

H.C.P.No.784 of 2022

J.Shalini
W/o.Johny Paul Rajan

... Petitioner

Vs.

1.State by:
The Superintendent of Prison,
Central Prison, Cuddalore - 4.

2.Vinayagam
Chief Head Warder,
Central Prison,
Cuddalore - 4.

3.R.K.Kumaran
Head Warder,
Central Prison,
Cuddalore - 4.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the first respondent to produce the petitioner's husband Mr.Johny Paul Rajan S/o.John Peter, Remand Prisoner,



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RP No.1300, confined at Central Prison, Cuddalore, before this Court and direct the first respondent to provide proper medical treatment to the petitioner's husband and direct to initiate appropriate action against the respondents 3 and 4, who indulged in the assault.

For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by **P.N.PRAKASH, J.**]

Alleging that the remand prisoner Johny Paul Rajan S/o.John Peter, Remand Prisoner, RP No.1300, had suffered serious injuries in the prison, the present petition has been filed.

2. In response to the same, the Superintendent of Central Prison, Cuddalore, has filed a detailed counter affidavit dated 15.07.2022 *inter alia* stating that there are thirty (30) criminal cases pending against the remand prisoner and on 27.03.2022, he created a tense situation in the prison by attacking a life convict by name Tamilmaran. It may be relevant to paragraph



No.7:

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'7. Further, I submit that with regard to the averments made in paragraph (3) of the affidavit, I humbly submit that on 27.03.2022 at 06.30 A.M the Life Convict Prisoner No.17000 Tamilmaran who was lodged in High Security Block No.I in cell No.2 was engaged in cleaning the cat excrement in front of his cell. The petitioner's husband Remand Prisoner No.1300 Johny Paul Rajan who was in 2nd cell of the same block shouted at the above convict "why are you walking with sound" and suddenly attacked the Life Convict Prisoner No.17000 Tamilmaran on his right jaw and pushed him away by causing scratch on his left hand by saying "I was Big Rowdy in Vellore District and 68 Cases against me". At that time the Life Convict Prisoner No.16999 Chellamuthu S/o.Muniyappan came there on the spot to save the Life Convict Prisoner No.17000 Tamilmaran but the Remand Prisoner created tense situation. Considering the prison offence committed by the petitioner's husband Remand Prisoner No.1300 Johny Paul Rajan all prison privileges cancelled as per rule 302 (a) (4) of Tamil Nadu Prison Manual 1983.'

3. It is further stated that in paragraph No.12 as follows:

"12. Further, I submit that as per medical report of the Medical Officer which revealed that the petitioner's husband Johny Paul Rajan was not attacked by the respondents in the prison for the incident said to be taken place on 27.03.2022. The Prison Medical Officer's report states that:

"The above said prisoner was admitted into Central Prison, Cuddalore on 23.04.2021, As per available medical records, at the time of admission in the Central Prison, he had fracture both bone right Forearm and fracture both bone left leg for which referred to Govt. Head Quarters Hospital, Cuddalore for admission and Surgery was done (OREF with Distal Radius Plating and Ulna Plating Right, ORF Tibia and Fibula Plating Right and bone grafting for Right Tibia), after that regular follow up care has given for above illness in



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prison hospital on OPD basis.

On 31-03-2022 he had complained pain over his back and hip. On examination he was conscious, oriented, afebrile and treated with analgesics. At present his vital are stable (Pulse Rate;87/min, BP:128/74 mm/Hg, Spo2;99.90) and no external injuries.

Therefore, the petitioner had falsely given report of attack by the prison officials which is not fact as per Medical Officers report as stated above."

4. Recording the same, we direct Johny Paul Rajan S/o. John Peter, Remand Prisoner, RP No.1300, be given adequate medical treatment and ensure that neither he causes harm to others nor anyone else harms him.

With the above direction, this petition is closed.

[PNP, J.] [TKR, J.]
07.11.2022

Index: Yes/No
gm



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To

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- 1.The Superintendent of Prison,
Central Prison, Cuddalore - 4.
- 2.The Public Prosecutor,
High Court, Madras.

P.N.PRAKASH, J.
and



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RMT. TEEKAA RAMAN, J.

gm

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