



*Crl.M.P.No.847 of 2023
in H.C.P.No.1720 of 2022*

**Crl.M.P.No.847 of 2023
in H.C.P.No.1720 of 2022**

**M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,**

(Order of the Court was made by M.SUNDAR, J.,)

Captioned 'Criminal Miscellaneous Petition' (hereinafter 'Crl.M.P.' for the sake of brevity) has been filed with a prayer to fix an early date for hearing out the aforementioned H.C.P.No.1720 of 2022.

2. The sole ground on which captioned Crl.M.P. has been filed is that the detenu has suffered an injury on the right hand and has to get suitable medical treatment.

3. This order has to be read in conjunction with and in continuation of earlier proceedings made by us in the previous listing on 24.01.2023 and the same reads as follows:

'In the captioned matter which has been filed with a prayer to fix an early date, Mr.V.Paarthiban, learned counsel on record for writ petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor who accepted notice on behalf of all respondents are



*Crl.M.P.No.847 of 2023
in H.C.P.No.1720 of 2022*

WEB COPY

before us.

2. This Court is informed that a similar petition in Crl.M.P.No.16413 of 2022 in H.C.P.No.1720 of 2022 was moved earlier and the prayer therein was negatived vide order dated 07.11.2022 by Hon'ble predecessor Bench. This Court is also informed that it was negatived in the light of a medical report dated 03.11.2022.

3. The aforementioned medical report has been placed before us. We deem it appropriate to direct the fourth respondent to take the detenu to the appropriate specialist in Government Adukkambarai Hospital, Vellore, obtain a report about his present medical condition and submit the same before this Court. Records supporting 03.11.2022 medical report also to be placed before this Court in the next listing.

4. List a fortnight hence. List on 07.02.2023.'

4. The above proceedings is tell-tale *qua* the trajectory the matter has taken.

5. Be that as it may, pursuant to aforementioned earlier



*Crl.M.P.No.847 of 2023
in H.C.P.No.1720 of 2022*

proceedings made in the previous listing, learned State Additional Public Prosecutor has placed before us the medical report which has been sent to him by the fourth respondent under cover of a letter dated 06.02.2023. Learned counsel for petitioner was favoured with a copy of the medical report. A careful perusal of the medical report shows that the detenu is getting medical attention and the last paragraph of the report reads as follows:

'On 6/2/2023 he attended ED after taking X-ray Right-hand, his X-ray Right hand with forearm found normal hence, he adviced to continue physiotherapy in form of passive stretching exercise to little finger and advice to review in Plastic Surgery OPD.'

6. In the light of the facts and circumstances of the case, we are not inclined to entertain the prayer to fix an early date.

7. However, if there is any further deterioration or requirement in the days to come, the rights of the petitioner to come up with similar prayer is preserved.



*Crl.M.P.No.847 of 2023
in H.C.P.No.1720 of 2022*

8. Captioned Crl.M.P is disposed of as closed albeit preserving the rights of the petitioner in the aforesaid manner. There shall be no order as to costs.

**[M.S.J.,] [M.N.K.J.,]
07.02.2023**

mmi

**M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,**



WEB COPY



*Crl.M.P.No.847 of 2023
in H.C.P.No.1720 of 2022*

mmi

**Crl.M.P.No.847 of 2023
in H.C.P.No.1720 of 2022**

07.02.2023