



W.P.No.4072 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.4072 of 2023

Indira Ramesh

... Petitioner

Vs.

1. The Secretary to Government,
Home Department,
Fort St. George,
Chennai – 600 009.
2. The Deputy Inspector General of Police,
Whannels Road,
Egmore, Chennai.
3. The Commissioner of Police,
Avadi Commissioner,
Avadi, Chennai – 600 062.
4. The Dean,
Stanley Medical College and Hospital,
Chennai.
5. The Inspector of Police,
Ambattur Police Station,
Thiruvallur District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus or any other nature of writ, directing the respondents to permit the petitioner as attendant to her son Karthick who is taking treatment at the 4th respondent Hospital.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed seeking to direct the respondents to permit the petitioner as attendant to her son Karthick who is taking treatment at the 4th respondent Hospital.

2. Learned counsel for the petitioner submitted that the petitioner's son has suffered explosive injuries when he was handling the explosive substances. He was taking treatment at MIOT Hospital and then, he was discharged by the hospital against the medical advice, on the pressure exerted by the Police. Now the petitioner's son is taking treatment at Stanley Medical College & Hospital under Police security. He further submitted that the petitioner's son is not able to



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move because of the injuries suffered. Therefore, the petitioner has filed this petition seeking for a direction to permit her as an attendant to her son.

3. In response, learned Government Advocate submitted that the petitioner's son is an accused in Crime No.92 of 2023 registered for the offence under Section 3 of the Explosive Substances Act, 1908 pending on the file of the Ambattur Police Station. He is the second accused in this case. The petitioner's son along with other accused had illegally possessed and handled the explosive substances and in the process, there was a blast and the accused suffered injuries. Now he is taking treatment at Stanley Medical College and Hospital under the watchful eyes of the respondent police. Though there is no legal right for the petitioner to claim as an attendant to her son, the respondent Police, on humanitarian grounds permitted the petitioner to stay outside the ward, which is meant for treating prisoners and allowing her to attend her son, as and when required. He further submitted that the petitioner cannot seek to appoint her as an attendant to her son throughout his treatment. He also stated that 33 previous cases are pending as against the petitioner's son.

4. In the light of the above submissions made by the learned counsel on



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either side of the parties, this Court finds that the petitioner's son, who is a second accused in Crime No.92 of 2023, has suffered injuries while handling the explosive substances. He was arrested and now under the judicial custody, taking treatment at the Stanley Medical College & Hospital. There is no provision in law to permit the petitioner as the attendant to her son 24x7. However, from the submission of the learned Government Advocate (Crl.Side), this Court finds that the respondent Police permitted the petitioner to lend her assistance to her son as and when the assistance is required by him.

5. In such circumstances, this Court is of the view that the prayer sought for in this petition to permit the petitioner as attendant to her son cannot be entertained. Accordingly, the Writ Petition stands dismissed. No costs.

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Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case: Yes/No

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5. The Inspector of Police,
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Thiruvallur District.
6. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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