



*Crl.M.P.No.3102 of 2023
in H.C.P.No.2203 of 2022*

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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 convenience and brevity] has been filed with a prayer to fix an early date and hear out the captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of convenience].

2.Mr.A.Nagarajan, learned counsel on record for petitioner submits that the petitioner is the mother of the detenu and the captioned Crl.M.P. is predicated on the ground that the detenu is unwell.

3.Learned counsel draws the attention of this Court to a medical discharge summary dated 06.04.2022 which is prior to his date of arrest i.e. prior to 26.08.2022. To be noted, the impugned detention order which has been assailed in the captioned HCP is dated 06.10.2022. Therefore, the medical report pertains to a period prior to arrest and prior to the impugned detention order.



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4.Learned Additional Public Prosecutor who accepts notice on behalf of the respondents has placed before us a medical report which shows that the petitioner has been given medical attention and the Civil Assistant Surgeon of Central Prison Hospital, Puzhal, Chennai in his report has said that his vitals are normal and his general health condition is good.

5.In the light of the narrative thus far, we are not inclined to accede to the prayer in the aforementioned Crl.M.P. However, we make it clear that it is open to the petitioner or anyone concerned for the petitioner to come up with similar/same prayer if there is change in circumstances.

6.Captioned Crl.M.P. is dismissed albeit preserving the right of all parties concerned in the aforesaid manner.

[M.S,J.] [M.N.K.,J.]
07.03.2023

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