



Crl.M.P.No.4606 of 2023 in Crl.A.No.435 of 2021

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WEB C S.S.SUNDAR, J.
and
SUNDER MOHAN, J.

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

The petitioner/A6, who stands convicted for the offence under Sections 148, 449 and 302 of IPC and sentenced to undergo the one year rigorous imprisonment; one year rigorous imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment and also life imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment respectively for the said offences, which were ordered to run concurrently, prays for interim suspension of sentence and to release him on bail for the limited purpose of taking medical treatment for the knee injury, pending disposal of the appeal challenging his conviction and sentence.

2. The petitioner has produced before this Court some documents to show that he requires medical attention immediately. The certificate issued by the private hospital in which the petitioner was taking treatment earlier, shows that the petitioner needs arthroscopic partial lateral repair. The



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certificate further recommends for surgery on the petitioner's right knee for his better health. It is further stated that the surgical procedure takes one day and he needs to be monitored for seven more days.

3. The first respondent has filed a status report, in which it is mentioned that the Senior Assistant Surgeon, Central Prison Dispensary, Coimbatore had given a report dated 18.08.2023 after examining the health of the petitioner/accused. The petitioner appears to have sustained knee injury about two years back and on account of that, he is having partial thickness tear of anterior cruciate ligament according to MRI taken on 17.06.2023. The petitioner is also clinically stable at present.

4. Though the medical certificate produced by the petitioner shows that the petitioner is advised to go for surgery, having regard to the nature of injury, the surgery advised by his private doctor is not an immediate requirement, as the petitioner has suffered injury in his ligament. If the petitioner has any problem in future, he may be compelled to go for surgery as advised by his private doctor. Therefore, this miscellaneous petition is dismissed for the present. However, the respondents may admit the petitioner in any Government Hospital where the Head of Orthopaedics



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Department may give advise. In case the medical advice given by the specialist of Government Hospital on examination of the petitioner also suggests the surgery, the request of the petitioner will be considered. The report of the orthopaedic specialist who examines the petitioner shall also be furnished to the petitioner.

(S.S.S.R.,J.) (S.M.,J.)
09.10.2023

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