



WEB COPY



W.P.NO.13043 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

**THE HONOURABLE MR.JUSTICE M.SUNDAR
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

W.P.NO.13043 OF 2023

A.Kannan @ Kithiyon Alexander

... Petitioner

Vs.

1.The Commissioner of Police
Chennai City
Vepery,
Chennai – 600 007.

2.The Superintendent of Prison
Central Prison – 1
Puzhal,
Chennai – 600 066.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent No.2 to consider the representation of the petitioner dated 21.02.2023 and further directing respondent No.1 to provide escort for take timely medical treatment provide to the petitioner from the Government Hospital, Chennai.



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For Petitioner : Ms.S.Nadhiya
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.SUNDAR, J.]

This order will now dispose of the captioned writ petition.

2.Captioned writ petition has been filed with a Mandamus prayer seeking direction to respondent No.2 (Superintendent of Prison, Central Prison – 1, Puzhal, Chennai – 600 066) to consider 'petitioner's representation dated 21.02.2023' (hereinafter 'said representation' for the sake of convenience) and provide escort to the writ petitioner for taking medical treatment in Government Stanley Hospital, Chennai. We are informed that the writ petitioner is a Convict Prisoner (Convict No.1332) having been convicted vide conviction and sentence in S.C.No.49 of 2006 for alleged offences under Sections 302 and 498-A of 'Indian Penal Code (45 of 1860)' [hereinafter 'IPC' for the sake of brevity, convenience and clarity].



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3.This Court is informed that the petitioner / convict prisoner is under the management of a Urologist in the aforesaid Government Hospital.

4.The said representation has been sent in February of 2023.

5.Today Ms.S.Nadhiya, learned counsel on record for petitioner and Mr.E.Raj Thilak, learned State Additional Public Prosecutor for both respondents are before us.

6.Learned State Prosecutor on instructions submits that the writ petitioner / convict prisoner has since been granted emergency leave from 06.07.2023 to 09.07.2023 (now operating) and that the writ petitioner is in Sivagangai District.

7.Be that as it may, as regards said representation, learned Prosecutor submits that escort will be made available when the Urologist under whose management the convict prisoner is available. This submission of learned Prosecutor is recorded.



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8.The aforementioned submission of the learned Prosecutor douses the anxiety expressed by the convict prisoner for the present.

9.Therefore, we drop the curtains on the captioned writ petition but make it clear that it is open to the convict prisoner or anyone concerned for him to come to this court with similar or same prayer if there are change in circumstances or if there are any other developments.

10.Captioned writ petition is disposed of as closed albeit preserving the rights of the writ petitioner as well as anyone concerned for the convict prisoner in the aforesaid manner. There shall be no order as to costs.

(M.S., J.)

(R.S.V., J.)

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Index : Yes/No

Neutral Citation : Yes / No

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- 3.The Public Prosecutor
High Court of Madras.



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