



W.M.P.Nos.21995 & 9703 of 2023

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in

W.P.No.9651 of 2023

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M.SUNDAR, J.,

and

R.SAKTHIVEL, J.,

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

This common order will now dispose of the captioned two 'Writ Miscellaneous Petitions' [hereinafter 'WMPs' in plural and 'WMP in singular for the sake of brevity, convenience and clarity].

2. This common order has to be read in conjunction with and in continuation of all earlier proceedings / orders made in captioned main writ petition and all other WMPs thereat.

3. Case on hand is a one-off matter where convict prisoner has been diagnosed with 'Glioblastoma Multiforme of the Brain' for which surgery was performed. In simple terms, it is a case of recurrence of Brain Cancer. A medical report dated 07.09.2023 from a private medical centre says that convict prisoner is immobile, confined to bed, being fed through Rhyles tube as he is unable to swallow and he is on catheter for urination. In short,



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prognosis qua Brain Cancer is very poor and all that can be given is palliative care to mitigate the agony and suffering.

4. As regards the captioned WMPs, while WMP No.21995 of 2023 is with a prayer to relax the condition that convict prisoner should go before the jurisdictional Magistrate i.e., Judicial Magistrate No.V, Coimbatore on every Monday, WMP No.9703 of 2023 is for an interim direction seeking permanent leave for detenu.

5. Considering the unique circumstances and prognosis of convict prisoner, we deem it appropriate to make the following order:

(i) As regards WMP No.21995 of 2023, condition to go before Judicial Magistrate No.V, Coimbatore every Monday is relaxed but the Station House Officer and / or his Deputy qua the jurisdictional police station i.e., No.B4, Ukkadam Police Station, Coimbatore, shall go over to the residence of convict prisoner together with Duty Doctors from Primary Health Centre, Ramanathapuram, Coimbatore District, get a report *inter alia* about the condition of convict prisoner and place it



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before this Court in the next listing;

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(ii) As regards WMP No.9703 of 2023, instead of permanent leave, we deem it appropriate to extend the leave by 12 weeks from today i.e., upto 05.12.2023 for self-same reasons captured / set out in earlier proceedings / orders and further deterioration in his health. Be it noted that this extension of leave is with a caveat that it is open to the petitioner to renew the prayer for permanent leave;

(iii) This Court is informed that premature release prayer of the convict prisoner is also in the anvil and the same shall be considered on its own merits and in accordance with law untrammelled by this order.

Captioned two WMPs are disposed of in the aforesaid manner with the aforementioned observations, directions and preservation of rights in the aforesaid manner.

[M.S.,J.] [R.S.V.,J.]
12.09.2023

mk

NOTE : Upload forthwith

PS: Though two WMPs are disposed of, Registry to list under the cause list caption 'FOR REPORT' on 01.12.2023.



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