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HCP.No.2054/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

HCP.No.2054/2023 & CrI.MP.No.16889/2023

Krithiga

Vs.

... Petitioner

1.The State of Tamil Nadu
rep.by its The Secretary
Department of Home
Fort St. George
Chennai 600 009.

2.The District Superintendent of Police
Chengalpet District, Chengalpet.

3.The Inspector of Police
Chithamur Police Station
Chengalpet District.

... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India to direct the respondents to produce the detenu Thanigachalam, son of Palayam, 35 years before this Court and set him at liberty by considering petitioner representation dated 14.10.2023 to secure ends of justice.



HCP.No.2054/2023

Prayer : Criminal Miscellaneous Petition filed under Article 226 of the Constitution of India to grant interim direction directing the respondents to admit the detenu Thanigachalam son of Palayam, 35 years, to MIOT Hospital, Ramapuram, Chennai pending disposal of the Habeas Corpus Petition to secure ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

(1)The present Habeas Corpus Petition has been filed by the petitioner, wife of the detenu Thanigachalam, son of Palayam, aged 35 years, to cause production of her husband before this Court and to set him at liberty by considering the petitioner's representation dated 14.10.2023 .

(2)Pending Habeas Corpus Petition, the petitioner filed Crl.MP.No.16889/2023 to direct the respondents to admit her husband/detenu Thanigachalam son of Palayam, 35 years, to MIOT Hospital, Ramapuram, Chennai, for post operative treatment.



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(3)The petitioner is the wife of the detenu Thanigachalam, who according to the petitioner, was forcefully taken into custody on 11.10.2023 in Sri Ramachandra Medical College Hospital, Porur, in Chennai. It appears tht the detenu, while in custody, tried to escaped and there was an incident where he was shot in his right leg and right hand. The petitioner came to know that the detenu is taking treatment in Stanley Medical College Hospital in Chennai. Hence, the petitioner seeks interim direction to the respondent police to admit the detenu/her husband in MIOT Hospital in Ramapuram, Chennai, as the petitioner wants to give best treatment to her husband fearing serious complications.

(4)The learned Additional Public Prosecutor produced before this Court, the Medical Report of the detenu. From the Report, it is seen that an emergency surgery was done to the detenu by a team of Vascular Surgeons and Orthopaedicians. It is also seen from the Report that after surgery, the detenu is in post operative Ward.

(5)Having regard to the nature of injury and the nature of surgery that was performed on the detenu, this Court is of the view that the request of the petitioner to shift the detenu to a Private Hospital, namely, MIOT



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Hospital, Ramapuram, which is a reputed Hospital for better post operative care, cannot be doubted.

(6) It is to be noted that even in the Medical Report, the risk of infection is explained to the attender of the detenu and therefore, this Court is inclined to grant interim direction to the respondents.

(7) Accordingly, **Crl.MP.No.16889/2023** is **ordered** and the following directions are issued:-

*(a) The respondents are directed to admit the detenu Thanigachalam, son of Palayam, aged 35 years, in **MIOT Hospital at Ramapuram**.*

(b) The respondent police shall provide adequate police escort and security as required.

(c) Having regard to the financial wherewithal of the petitioner, the request of the petitioner that the escort may be provided to the detenu, free of cost, cannot be entertained. However, this Court is of the view that a reasonable sum of Rs.15,000/- [Rupees Fifteen Thousand only] per day, may be appropriate and the petitioner shall pay the said sum to the Deputy Commissioner of Police, Armed Reserve, Pudupet, Chennai and



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To

- 1.The Secretary
State of Tamil Nadu
Department of Home
Fort St. George
Chennai 600 009.
- 2.The District Superintendent of Police
Chengalpet District, Chengalpet.
- 3.The Inspector of Police
Chithamur Police Station
Chengalpet District.
- 4.The Public Prosecutor,
High Court, Madras.

COPY To:-

The Deputy Commissioner of Police
Armed Reserve, Pudupet, Chennai.



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

AP

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