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CRL MP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Sixth day of April Two Thousand and Twenty
Three
PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR
and

The Hon`ble Mr.Justice K.K.RAMAKRISHNAN
CRL MP(MD) No.5498 of 2023
in
CRL A(MD) No.112 of 2023

RADHAKRISHNAN

... PETITIONER/APPELLANT/ACCUSED-7

Vs

State Rep.by
THE INSPECTOR OF POLICE
B3, THEPPAKULAM POLICE STATION, (L AND O)
MADURAI.
(CRIME NO.1134/2017)

... RESPONDENT/RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence passed in SC No.267/2019 dt.21.12.2022 by the learned Sessions Judge, Mahalir Neethimandram, Madurai and enlarge the petitioner on bail pending Crl App(MD) No.112/2023.

PRAYER IN CRL A(MD).112/2023 :

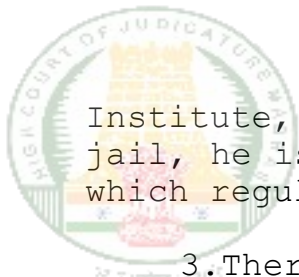
To call for the records and set aside the conviction and sentence passed in S.C.No.267 of 2019 dated 21.12.2022 by the learned Sessions Judge, Mahalir Neethimandram, Madurai.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.P.ANDIRAJ, Advocate for M/S.BALAKARTHICK.S, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by R.SURESH KUMAR, J.)

The petitioner is the life convict and now, confined at Central Prison, Madurai connected with the conviction already earned by him in S.C.No.267 of 2019, dated 21.12.2022 on the file of the learned Sessions Judge, Mahalir Neethimandram, Madurai.

2.The petitioner is the cancer patient and in this regard in the year 2021 itself he had taken treatment at Adayar Cancer Institute, Chennai and before his conviction, he claimed to have been regularly taking check up and treatment at Adayar Cancer



Institute, Chennai. After his conviction, since he has in jail, he is not able to take any such treatment, including check up, which regularly has to be done.

3. Therefore, in order to have a check up and to take treatment by way of regular treatment for his disease of cancer to be taken at Adayar Cancer Institute, Chennai, he seeks suspension of sentence for a period of atleast two weeks purely on medical grounds.

4. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

5. The learned Additional Public Prosecutor for the respondent, by relying upon the medical certification / statement given by the Assistant Surgeon, Prison Medical Officer, Central Jail, Madurai, dated 25.04.2023, where it has been stated that at present, the petitioner does not have any symptoms and complication of carcinoma colon (cancer) and he is regular on treatment and stable and have no hindrance to regular activities and performing on his own, seeks indulgence of this Court not to consider the plea raised by the petitioner for grant of suspension of sentence for a period of two weeks.

6. However, we have gone through the records and heard the learned counsel for the petitioner, who would submit that the petitioner had already taken treatment in the year 2021 at Mithra Hospital, Madurai that has been referred by the Medical Officer or Assistant Surgeon of the Central Jail, Madurai in his report dated 25.04.2023. However, insofar as having continuous treatment, which has to be taken by the petitioner regularly at Adayar Cancer Institute, Chennai as has been taken earlier, for which the document has been filed before this Court, is concerned, the suspension of sentence for a period of atleast two weeks may be granted to take such test and treatment by the petitioner at Adayar Cancer Institute, Chennai.

7. Having considered the medical status of the petitioner, as he is a cancer patient and therefore, continuous monitoring / diagnosis as well as treatment by way of review, since has to be taken by the hospital concerned, where he has already taken treatment at Adayar Cancer Institute, Chennai, his plea can be considered only on medical grounds as has been discussed herein above.

8. In that view of the matter, this Court is inclined to suspend the sentence made in S.C.No.267 of 2019 dated 21.12.2022 by the learned Sessions Judge, Mahalir Neethimandram, Madurai for a period of two weeks, enabling the petitioner to take treatment at Adayar Cancer Insitute, Chennai on the following conditions:-



(i)The petitioner shall execute a bond for a sum Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Madurai;

(ii)The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and

(iii)On completion of two weeks period, he shall surrender before the Superintendent, Central Prison, Madurai without fail.

9.In view of the above, this Criminal Miscellaneous Petition is disposed of.

sd/-

26/04/2023

/ TRUE COPY /

26/04/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

myr

TO

- 1 THE SESSIONS JUDGE, MAHALIR NEETHIMANDRAM, MADURAI.
- 2 THE JUDICIAL MAGISTRATE NO.I, MADURAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE, B3, THEPPAKULAM POLICE STATION (L AND O), MADURAI.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DEAN,
ADAYAR CANCER INSTITUTE, CHENNAI.

+1 CC to M/s.BALAKARTHICK S, Advocate (SR-6640[I] dated 26/04/2023)

ORDER

IN

CRL MP(MD) No.5498 of 2023

in

CRL A(MD) No.112 of 2023

Date :26/04/2023