



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

Thursday, the Fourth day of May Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
and
The Hon`ble Mr.Justice R.VIJAYAKUMAR

CRL MP(MD) No.7385 of 2023
in
HCP(MD) No.1526 of 2022

ASHOK KUMAR

... Petitioner / Petitioner

Vs

1 THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
HOME, PROHIBITION AND EXCISE DEPARTMENT,
FORT.ST.GEORGE,
CHENNAI-600 009

2 THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE,
OFFICE OF THE COLLECTORATE BUILDING,
THANJAVUR DISTRICT,
THANJAVUR.

3 THE SUPERINTENDENT OF POLICE
CENTRAL PRISON,
TRICHY.

... Respondents / Respondents

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant an Interim Direction directing the 3rd respondent to shift the Detenu namely Anand Babu S/o.Ashok Kumar age 37 years who now lodged at Central Prison, Trichy Vide TPDA No.7423 in pursuance of detention order passed by the 2nd respondent through his proceedings in P.D.No./04/2022 dated 14.08.2022, to any hospital outside the Central Prison, Trichy and provide better treatment to him for healing fungal disease and associated fever.

Prayer in Habeas Corpus Petition(MD) No. . 1526/ 2022 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court will be pleased to issue a Writ of Habeas Corpus or order or direction in the nature of a writ, to call for the records relating to the detention order passed by the 2nd respondent in P.D.No.4/2022 dt.14.8.2022 and quash the same and direct the Respondents to produce the body or person of the Detenu namely Anand Babu, S/o.Ashok Kumar, aged 37 years, now



detained at Central Prison, Trichy before this Hon'ble Court at him at liberty.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S. INDRACHITHU.T, Advocate for the petitioner and of Mr.S.RAVI, Additional Public Prosecutor on behalf of the Respondents, the court made the following order:-

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

This criminal miscellaneous petition has been filed by the petitioner seeking a direction to the third respondent to shift his son / detenu viz., Anand Babu, aged about 37 years, who is lodged in Central Prison, Trichy, pursuant to the detention order dated 14.08.2022 passed by the District Collector / District Magistrate, Thanjavur District, to any hospital outside the Central Prison, Trichy, and provide better treatment to him for the fungal disease and fever suffered by him.

2. Learned Additional Public Prosecutor appearing for the respondents produced a medical certificate, dated 03.05.2023, issued by the Assistant Surgeon, Central Prison Dispensary, Central Prison, Trichy, which is extracted hereunder:

"This is to certify that TPDA Prison Anand Babu, S/o. Ashok Kumar, 7423, in Central Prison.

He is suffering from Scabies without secondary infection. He has no Fungal infection. At present he is Clinically Normal. He was treated ? tablet and topical Application."

3. In view of the above, since there is no imminent threat to the life of the petitioner's son and the disease said to have been suffering by the petitioner's son is not found to be a serious disease by the competent authority viz., Assistant Surgeon, Central Prison Dispensary, the interim direction sought for by the petitioner cannot be granted. Hence, this Criminal Miscellaneous Petition is dismissed. However, if any serious illness is developed, the Prison Authority is directed to admit the detenu in the Prison Hospital and provide better treatment to him.

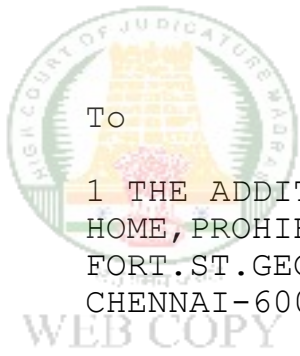
sd/-

04/05/2023

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/05/2023

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



To

1 THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
HOME, PROHIBITION AND EXCISE DEPARTMENT,
FORT. ST. GEORGE,
CHENNAI-600 009

2 THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE,
OFFICE OF THE COLLECTORATE BUILDING,
THANJAVUR DISTRICT,
THANJAVUR.

3 THE SUPERINTENDENT OF POLICE
CENTRAL PRISON,
TRICHY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s. INDRACHITHU.T, Advocate (SR-7196[I] dated 04/05/2023)

ORDER

IN

CRL MP (MD) No.7385 of 2023
in

HCP (MD) No.1526 of 2022

Date : 04/05/2023

ED/SSS/SAR-1 (05/05/2023) 3P 6C