



W.P.(MD)No.16967 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.16967 of 2023

and

W.M.P.(MD).No.14193 of 2023

Madhan Maruthu Vendhan

... Petitioner

Vs

- 1.The Commissioner of Police,
Tirunelveli City, Tirunelveli.
- 2.The Deputy Commissioner of Police,
Tirunelveli.
- 3.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli.
- 4.The Superintendent of Prison,
Women's Prison, Kokarakulam,
Tirunelveli.
- 5.The Dean,
Tirunelveli Government Hospital,
Tirunelveli.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to provide medical treatment to the petitioner's wife S.Stella Baby, who is remanded in Palayankottai Kokarakulam Women Prison, in Crime No.345 of 2023 on the file of the third respondent (Prisoner No.FRP 4610) at Jayasekaran Hospital,



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W.P.(MD)No.16967 of 2023

For Petitioner : Mr.M.Sridhar

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Criminal side)

ORDER

This Writ Petition is filed seeking for a direction to the respondents to provide medical treatment to the petitioner's wife, viz., S.Stella Baby, who has been remanded to judicial custody in Palayamkottai Medical College.

2. It is submitted by learned counsel for the petitioner that on a complaint filed by the *defacto* complainant, a case has been registered against the petitioner's wife for the offence under Section 420 I.P.C. Subsequent to her arrest, she was taken to Medical College Hospital where as per the advice of the Doctors, she was admitted. Subsequently, the petitioner has moved bail application vide CrI.M.P.No.17187 of 2023 before the learned Judicial Magistrate No.4, Tirunelveli and the same was dismissed on 10th July, 2023. The present petition is filed for a direction to the respondents to continue to provide medical treatment in the same hospital and not to shift her to the prison.

3. Heard learned Government Advocate (Criminal Side) appearing for respondents 1 to 5 and perused the records.



W.P.(MD)No.16967 of 2023

4. Learned Judicial Magistrate, who has remanded her to judicial custody has permitted the petitioner's wife to be kept in the hospital for treatment. The Judicial Magistrate Court is the proper forum to consider the application filed by the petitioner to decide whether the wife of the petitioner requires further treatment and if so whether, she can be allowed to continue the treatment in the Government Medical College Hospital. This Court, without any records like F.I.R, Remand Report and the Report of the Medical Officer, who has been treating the petitioner's wife, cannot pass any orders. The petitioner should have approached the learned Judicial Magistrate with a relief which he has been seeking from this Court.

5. Considering the circumstances, this Writ Petition is disposed of by directing the petitioner to approach the Learned Judicial Magistrate No.4, Tirunelveli and file appropriate application, on which, the learned Judicial Magistrate is directed to dispose of the same as expeditiously as possible as per law by giving notice to the respondent Police.

6. With these above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

14.07.2023

NCC:yes/no
Index:yes/no
Internet:yes/no

<https://www.mhctn.gov.in/judis>



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W.P.(MD)No.16967 of 2023

DR.D.NAGARJUN, J.

tsg

To

- 1.The Commissioner of Police,
Tirunelveli City, Tirunelveli.
- 2.The Deputy Commissioner of Police,
Tirunelveli.
- 3.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli.
- 4.The Superintendent of Prison,
Women's Prison, Kokarakulam,
Tirunelveli.
- 5.The Dean,
Tirunelveli Government Hospital,
Tirunelveli.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P.(MD)No.16967 of 2023

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