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H.C.P.No.499 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.499 of 2024

Malliga

... Petitioner/wife of the detenue

Vs.

The State represented by its,

1.The Secretary to Government of Tamilnadu,
Department of Home,
Fort St.George,
Chennai-600 009.

2.The Deputy Inspector of General of Prison,
Vellore Zone,
Vellore.

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Habeas Corpus, to direct the respondents to consider the representation dated 24.01.2024, to provide appropriate medical treatment immediately to the detenue, Elavarasan, S/o.Malleishwaran, aged about 36 years at Central Prison, Vellore.



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For Petitioner : Mr.P.Bakiyaraj
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

The petitioner, who is the wife of the convict prisoner viz., Elavarasan, S/o.Malleishwaran, aged about 36 years, confined at Central Prison, Vellore, has come forward with this Habeas Corpus Petition to direct the respondents to consider the representation dated 24.01.2024 seeking to provide appropriate medical treatment immediately to the petitioner's husband.

2.The petitioner states that her husband has broken both of his hands and has undergone surgery. It is stated that plates were inserted during the operation, and the doctors have recommended that after one year, the plates required to be removed one by one. Unfortunately, her husband has been in prison for past two years and has been dealing with the pain. Therefore, the petitioner's husband was unable to care for



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himself and it is not possible to have the plates removed in the prison hospital. Therefore, the petitioner made a representation dated 24.01.2024 to the respondents seeking to make arrangements for further treatment for her husband. Since the same has not been considered till date, she has come forward with this Habeas Corpus Petition.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4.Having regard to the limited scope of the prayer in the Habeas Corpus Petition, this Court, without going into the merits of the petitioner's representation or the contentions of the petitioner in the affidavit filed in support of this habeas corpus petition, directs the respondents to consider the representation of the petitioner dated 24.01.2024, seeking to provide medical treatment for her husband and pass appropriate orders on merits and in accordance with law, within a period of two (2) weeks from the date of receipt of a copy of this order, if not already considered and communicate the same to the petitioner.



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M.S.RAMESH, J.

and
SUNDER MOHAN, J.

Anu

5. With the above direction, this writ petition is disposed of.

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

08.03.2024

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Anu

To

1. The Secretary to Government of Tamilnadu,
Department of Home,
Fort St. George,
Chennai-600 009.

2. The Deputy Inspector of General of Prison,
Vellore Zone,
Vellore.

3. The Public Prosecutor,
High Court, Madras.

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