



WEB COPY



W.P.No.13296 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
and
THE HONOURABLE MR.JUSTICE **P.B.BALAJI**

W.P.No.13296 of 2024

N.Magesh

.. Petitioner

Vs

1.The Chief Secretary to Government,
Home Department, St. Fort George,
Chennai – 600 009,
Government of Tamil Nadu.

2.The Superintendent of Police,
Cuddalore Central Prison,
Cuddalore.

3.State Rep. By the Inspector of Police,
All Women Police Station,
Ulundurpet.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to consider petitioner representation dated 29.04.2024 for grant the leave for the period of 3 months from the judicial custody for the purpose of conducting Open Heart Surgery in private hospital vide order passed against the convicted person i.e., Convict No.17192 in Special S.C.No.241 of 2019 dated 27.09.2022 passed by the learned

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Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram.

For Petitioner : Mr.S.Ambigapathi
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

[Order of the Court was made by **G.R.SWAMINATHAN, J.,**]

Heard both sides.

2. The petitioner's father has suffered conviction for an offence arising under POCSO Act, he is undergoing incarceration in Central Prison, Cuddalore.

3. The case of the petitioner is that his father is having cardiac issues and that he has to undergo open heart surgery. Hence the writ petition came to be filed for directing the respondents to grant three months leave to his father for the aforesaid purpose. The petitioner also wants the surgery to be done in a private hospital.



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4. Today, when the matter was taken up for hearing, learned Additional Public Prosecutor submitted that the petitioner's father has since been admitted in Government Stanley Hospital, Chennai and that the medical opinion is that he should undergo open heart surgery. We are not inclined to accede to the petitioner's request for conducting the surgery in a private hospital. Government Stanley Hospital is a well known and reputed institution and the petitioner need not have any apprehension. We therefore direct the respondents to provide all possible medical treatment to the petitioner's father. The surgery shall be done as early as possible.

5. Since the convict has to undergo surgery, restrictions shall not be placed on the petitioner as well as petitioner's mother to attend to the post-operative needs of the convict.

6. The writ petition is disposed of with the aforesaid direction. No costs.

(G.R.S.,J.) (P.B.B.,J.)
23.05.2024

Index : Yes/No
Neutral Citation : Yes/No
mmi/kj

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To

- 1.The Chief Secretary to Government,
Home Department, St. Fort George,
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Government of Tamil Nadu.
- 2.The Superintendent of Police,
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Cuddalore.
- 3.The Inspector of Police,
All Women Police Station,
Ulundurpet.
- 4.The Public Prosecutor,
High Court, Madras.



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**G.R.SWAMINATHAN, J.,
and
P.B.BALAJI, J.,**

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