



W.P.No.18114 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM :

THE HON'BLE MR. JUSTICE M.S.RAMESH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.18114 of 2024

R.Tamilarasi

..Petitioner

v.

1. The Additional Chief Secretary
to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 9.

2. The Director General of Police/
Director General of Jails,
Tamilnadu Prison Department,
whannels Road, Ansari Estate,
Egmore, Chennai – 8.

3. The Superintendent of Prisons,
Central Prison, Puzhal.

4. The Superintendent of Police,
Chengalpattu SP Office,
Chengalpattu District.

5. The Inspector of Police,
Mahabalipuram Police Station,



W.P.No.18114 of 2024

Chengalpattu District.
(Crime No.334 of 2024)

..Respondents

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to consider the representation dated 29.06.2024 and to transfer the petitioner's son Sathiyaraj @ Sirkali Sathiya S/o.Rajangam, aged about 40 years to any private hospital for medical treatment.

For Petitioner :: Mr.R.Subramanian
For Respondents :: Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

This writ petition is filed for a direction to the respondents to consider the representation dated 29.06.2024 and to transfer the petitioner's son Sathiyaraj @ Sirkali Sathiya S/o.Rajangam, aged about 40 years to any private hospital for medical treatment.

2. It is the claim of the petitioner that her son Sathiyaraj @ Sirkali Sathiya, was arrested by 5th respondent police on 28.06.2024 and remanded



W.P.No.18114 of 2024

to judicial custody on 29.06.2024. It is stated that during the time of arrest, her son was shot with a gun by the police by way of self defence, thereby injuring his left leg below the knee cap. Though he has been provided with the required medical treatments, it is the petitioner's case that she intends to provide him with medical care from a private medical institution for which purpose, she has given a representation on 29.06.2024, followed by filing of the present writ petition.

3. To ascertain the medical condition of the petitioner's son/prisoner, we had sought for report of the Medical Officer attached to the Government Stanley Medical College and Hospital, Chennai -1, where the petitioner's son is treated as inpatient. In response to our directions, the Medical Report of the petitioner's son dated 02.07.2024 has been furnished before this Court, which reads as follows:

Medical Report of Patient Sirkazhi Sathya 02.07.2024

Name	: Sirkazhi Sathya
Age	: 41/M
IP No	: 24068667
DOA	: 28.06.2024 at 2.30 P.M.



WEB COPY



W.P.No.18114 of 2024

**DIAGNOSIS : LEFT POPLITEAL ARTERY INJURY
WITH DISTAL FEMUR FRACTURE**

Procedure done : Left Distal SFA to distal PA bypass done
with knee spanning external fixator

Patient was brought by the police with alleged history of gunshot injury at 10.26 A.M. on 28.06.2024 in the left lower limb at knee level. Patient was initially treated at Government Chengalpattu Medical College and Hospital, Chengalpattu and transferred to Govt. Stanley Medical College and Hospital, Chennai for further treatment. On examination, patient had fracture left distal femur with suspected popliteal vessel injury and bleeding from entry and exit wound.

After evaluation with blood investigations, X-Ray, CT Angiogram, patient was taken up for surgery. Under general anaesthesia, control of Vascular structures taken and bleeding arrested, Right Saphenous vein grafting from Distal superficial femoral artery to Distal popliteal artery and fracture segments stabilised with External fixation. Sterile dressing was done and patient shifted to Postoperative ICU care.

Postoperatively, patient is being monitored and serial investigations revealed Rhabdomyolysis, early disseminated intravascular coagulation and Sepsis due to high velocity injury fracture Left distal femur and injury to blood vessels along with Alcoholic liver disease.

At present on examination,

Wound clean

Left lower limb warm, toe movements, sensation – Normal

All proximal and distal pulses to the injured site palpable.

Radiologist after evaluation, opined that normal arterial and venous flow was present in the injured limb that has been operated.



W.P.No.18114 of 2024

WEB COPY

Patient is conscious, haemodynamically stable. Pulses palpable in all distal vessels, no sensory or motor deficit and is being monitored continuously in the ICU by a team of experts.

However the possibility of amputation at the appropriate level and the possibility of loss of life explained to the patient, attenders and accompanying Police personal.

4. The injuries and the consequential medical ailment of the petitioner's son seems to us a serious condition, more particularly, when it is opined that there is a possibility of amputation at the appropriate level and the possibility of loss of life to the patient.

5. The learned counsel for the petitioner, on instructions, submitted that the petitioner intends to admit her son at the Apollo Speciality Hospitals, 5/639, Old Mahabalipuram Road, Perungudi, Chennai. It is his further submission that they had already contacted the hospital, who had agreed to extend medical facilities, if the patient is accompanied with the Court order.

6. In the light of the medical report of the Residential Medical Officer,



W.P.No.18114 of 2024

Government Stanley Medical College and Hospital, Chennai, dated 02.07.2024, we are inclined to consider the prayer sought for in the present writ petition. However, since the petitioner's son is also said to have involved in other criminal cases, it will be appropriate that the transfer of the hospital be done only with police escort and the visitors be regulated.

7. Accordingly, there shall be a direction to the 2nd and 3rd respondents herein to transfer the petitioner's son to Apollo Speciality Hospitals, Perungudi, Chennai, with adequate police escort. The cost of police escort shall be borne by the petitioner/petitioner's son. So also the medical costs involved for the treatment of the petitioner's son at the Apollo Hospitals, Perungudi, Chennai, shall be fully borne by the petitioner/petitioner's son.

8. We make it clear that there shall not be any visitors for the petitioner's son. However, if the Head of the Department to which the petitioner's son is admitted is of the view that petitioner being the mother of the prisoner can be allowed to visit him, it is open to him to grant such



W.P.No.18114 of 2024

permission, by restricting the duration of the visit, without reference to any
of the observations made by us in this order.

9. With the above directions, the writ petition stands disposed of.

(M.S.R.,J.) (S.M.,J.)

02.07.2024

Index : yes/no

Neutral citation : yes/no

Issue order copy today

ars

To

1. The Additional Chief Secretary
to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 9.

2. The Director General of Police/
Director General of Jails,
Tamilnadu Prison Department,
Whannels Road, Ansari Estate,
Egmore, Chennai – 8.

3. The Superintendent of Prisons,
Central Prison, Puzhal.

4. The Superintendent of Police,
Chengalpattu SP Office,
Chengalpattu District.

5. The Inspector of Police,
Mahabalipuram Police Station,



W.P.No.18114 of 2024

Chengalpattu District.

6. The Public Prosecutor,
High Court, Madras



WEB COPY



W.P.No.18114 of 2024

M.S.RAMESH,J.

AND

SUNDER MOHAN,J.

ars

W.P.No.18114 of 2024

02.07.2024