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HCP.No.1927 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.1927 of 2023

S.Ganesan

... Petitioner

Vs.

1.State by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Director General of Police/
Director General of Prisons and Correctional Service,
Whannels Road,
Egmore, Chennai – 600 008.

3.The Deputy Inspector General of Prison,
Trichy Range, Trichy – 20.

4.The Superintendent of Prison,
Central Prison,
Trichy – 20.

5.Mr.Uthayakumar,
Prison Warder,
OC Team, Central Prison,
Trichy – 20.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the body and person of the petitioner's son Mr.Rosary Greaten, son of Ganesan, remand prisoner, now confined in Central Prison, Trichy, before the Hon'ble Court and to provide proper medical treatment to the petitioner's son and further directing respondents 1 to 4 to take appropriate action against respondent No.5, who had assaulted the petitioner's son.

For Petitioner : Mr.P.Pugalenth

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.**)*

Complaining that the petitioner's son who is a remand prisoner at Central Prison, Trichy, was assaulted by the Prison Authority, the petitioner seeks for a direction to the Authority to provide an appropriate medical treatment and for an action against the Prison Authority, who had allegedly assaulted his son.

2. Pending the present Habeas Corpus Petition, this Court had directed the Prison Authority to take the petitioner's son to the Government



HCP.No.1927 of 2023

Hospital, Trichy for examination and treatment. In continuation of such order, the Dean of the Mahatma Gandhi Memorial Government Hospital, Tiruchirappalli, had given his report, which reads as follows:-

“Mr.Rosery Greaten @ Greaten rosary , S/o.Ganesan , 26 / male, admitted on 04.10.2023 at 12.40 pm with IP.NO : 83633 , alleged history of assault by one known person using lathi on 30.09.2023 at around 10.00 am in Central Jail Trichy. Patient had complaints of neck pain , chest pain and Bleeding per rectum with no external injury at the time of examination. Vitals were normal. Clinically patient stable. Per Rectal Examination-grade II haemorrhoids present. Patient underwent complete evaluation including Colonoscopy which was normal and discharged on 13.10.2023, with conservative management of Grade-II hemorrhoids, which is not related to his assault complaint.”

3. As per the directions of the learned Principal District Judge, Tiruchirappalli, learned Special District Judge No.II had also visited the Government Hospital at Trichy and has submitted a report in which he has stated that the prisoner was having severe pain on the left side of his head, as well as difficulty in breathing, which he claimed to be due to the assault of the Prison Authority.



HCP.No.1927 of 2023

WEB COPY

4. In view of the medical facility already being extended to the petitioner's son and that the Dean was of the opinion that the patient was normal and was discharged on 13.10.2023, by observing that the ailments from which the prisoner had suffered did not relate to the assault complaint, no further orders are required to be passed in the prayer sought for seeking action against the Prison Authority.

5. Accordingly, the Habeas Corpus Petition petition stands closed.

[M.S.R., J]

[S.M., J]

14.02.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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HCP.No.1927 of 2023

WEB COPY

To

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Trichy – 20.

5.Mr.Uthayakumar,
Prison Warder,
OC Team, Central Prison,
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6.The Public Prosecutor,
High Court, Madras.



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