



W.P.No.30290 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

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CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.30290 of 2024

Aathilakshmi

... Petitioner

Vs.

The State Rep By Its

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

2.The Deputy Inspector General Of Prison
Coimbatore Range, Coimbatore-641 018

3.The Superintendent,
Salem Central Prison,
Salem-636 007

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents consider the representation dated 1.10.2024 and to admit petitioner husband the detainee, Mohan S/o.Ganesan aged about 45 years, PID No.170632, remanded at Central Prison, Salem from Central prison, salem to Dharan Multispeciality Hospital, Seelanaickenpatti, Salem for medical treatment or surgery

For Petitioner : Dr.S.Monoharan

For Respondents : Mr.E.Raj Thilak,



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Additional Public Prosecutor

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ORDER

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

The Writ of Mandamus has been instituted to direct the respondent to consider the representation submitted by the petitioner on 01.10.2023. The petitioner is the wife of the remand prisoner Mr.Mohan, S/o.Ganesan. The detainee was arrested on 22.03.2011 and remanded to judicial custody on 24.03.2019. Subsequently, he was detained under Act 14 of 1982. Bail was granted by the learned Principal Sessions Judge, Krishnagiri in CrI.M.P.No.1313 of 2019 dated 12.07.2019. The detention order was quashed by the High Court. The defacto complainant filed petition to cancel the bail, which was rejected. Thus, SLP was preferred, and the Hon'ble Supreme Court of India cancelled the bail. Thus, the detainee filed the present petition.

2. The learned counsel for the petitioner would submit that the prisoner is suffering from chronic diabetes for the past about more than 10 years. He is taking insulin on daily basis for the past about more than 10 years.

3. The learned Additional Public Prosecutor would submit that, on examination in Government Mohan Kumaramangalam Medical College



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Hospital at Salem, the detinue has not agreed to take treatment in the Government Hospital and is willing to take treatment in a private hospital. The Private hospital chosen by the petitioner and the detinue is Dharan Multi speciality Hospital, Seelanaickenpatti at Salem. The said hospital issued a certificate stating that after clinical examination, the hospital will decide for further surgical and medical managements. Duration of the patient's hospital stay will be decided as per patient's general condition and based on the investigation. The hospital has requested to allow the detinue for treatment on 28.10.2024 (Monday).

4. In view of the fact that the remand prisoner is willing to take some speciality treatment from a private hospital, we are inclined to consider the same.

5. Accordingly, the respondents are directed to take the prisoner Mr.Mohan, S/o.Sathish to Dharan Multi speciality Hospital, Seelanaickenpatti at Salem on 28.10.2024 for clinical examination and to provide surgical or medical treatment as advised by the Doctor therein as the case may be with escort at the expense of the petitioner.



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6. With the above direction, the Writ Petition is disposed of.

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[S.M.S., J.]

[V.S.G., J.]

25.10.2024

Index: Yes/No

Speaking/Non-speaking order

gd

Note: Issue order copy on 25.10.2024.

To

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

2. The Deputy Inspector General Of Prison
Coimbatore Range, Coimbatore-641 018

3. The Superintendent,
Salem Central Prison,
Salem-636 007

4. The Public Prosecutor,
High Court of Madras.



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V.SIVAGNANAM, J.

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