



W.P.No.30338 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.30338 of 2024

Regila Rajasekaran

... Petitioner

Vs.

1.The Director General of Prisons,
Director General Office,
Egmore,
Chennai – 600 008.

2.The Superintendent of Central Prison,
Puzhal -I,
Chennai – 600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the Respondents to TRANSFER the Convict CT. No. 10637 – RAJASEKARAN, son of palayam Confined at Central Prison Puzhal- 1 now confined at Government Stanley Medical College Chennai- 1 to Kavitha Nursing Home, Chromepet, Chennai-44 for effective ORTHO treatment to save the life of detainee to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

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

The Writ Petition on hand has been instituted to direct the Respondents to transfer the Convict CT. No. 10637 – RAJASEKARAN, son of Palayam, Confined at Central Prison Puzhal- 1 now confined at Government Stanley Medical College, Chennai- 1 to Kavitha Nursing Home, Chromepet, Chennai- 44 for effective ORTHO treatment to save the life of detainee to secure the ends of justice.

2.Mr.R.Sankarasubbu, the learned counsel for the petitioner would submit that the convict prisoner is aged about 71 years and undergoing treatment for back pain and diagnosed as Cauda Equina Syndrome and has been advised surgery. The prisoner is now undergoing treatment in Government Stanley Medical College, Chennai. The Dean, Government Stanley Medical College, Chennai in his report in Ref. No.013866/GSH/2024 dated 14.10.2024 addressing to the Superintendent, Central Prison 1, stated that the prisoner has to undergo surgery after obtaining anesthesia fitness. Therefore, it is made clear that the prisoner has to undergo surgery for the disease.



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3.The learned counsel for the petitioner would submit that the family members of the convict prisoner have decided to provide treatment in a private hospital namely Kavitha Nursing Home, Chromepet, Chennai- 44, at their expense.

4.Considering the fact that the prisoner is aged about 71 years, and the Dean, Government Stanley Medical College, Chennai has given a report stating that the patient has to undergo surgery, we are inclined to grant one week leave to the prisoner viz., Rajasekaran, Son of Palayam, confined at Central Prison Puzhal- 1 commencing from **29.10.2024**.

5.The learned Additional Public Prosecutor would submit that the prisoner will be permitted to avail leave from Government Stanley Medical College, Chennai itself on 29.10.2024 at 11.00 a.m.

6. Accordingly, the convict prisoner viz., Rajasekaran, Son of Palayam, confined at Central Prison Puzhal- 1, is hereby granted emergency leave for a period of **one week**, without escort commencing from **29.10.2024** on the following conditions.

(i) Respondents are directed to release the Convict



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Prisoner viz., Rajasekaran, Son of Palayam, confined at Central Prison Puzhal- 1 on Leave for a period of **one week i.e., from 29.10.2024 to 05.11.2024.**

(ii) The Convict Prisoner shall be released on **29.10.2024** at 10.00 am and surrender before the Superintendent, Central Prison I, Puzhal, on **05.11.2024** at 05.30 p.m. The Superintendent, intun has to readmit the patient, if necessary in Government Stanley Hospital, Chennai for further treatment.

(iii) The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.

7.If any further time is required for surgery or for post surgical treatment, the petitioner is at liberty to approach this Court for extension of leave or otherwise.

8.Accordingly, the writ petition stands disposed of. No Costs. Consequently, the connected Miscellaneous Petition, if any is closed.

[S.M.S., J.]

[V.S.G., J.]

25.10.2024

Index: Yes/No

Speaking/Non-speaking order



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To

1. The Director General of Prisons,
Director General Office,
Egmore,
Chennai – 600 008.

2. The Superintendent of Central Prison,
Puzhal -I,
Chennai – 600 066.

3. The Public Prosecutor
High Court of Madras.



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