



WEB COPY



W.P.No.32567 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.32567 of 2024

Saranraj

... Petitioner

Vs.

The State represented by,
The Superintendent of Police,
Central Prison,
Coimbatore.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the respondent to consider the representation dated 08.10.2024 to give adequate "Coronary Angiography and Angioplasty" treatment at private Specialty Hospital at Coimbatore or Kovai Medical Center and Hospital, for immediate medical attention and assistance for the survival at his own cost of the petitioner's father Dharmaraj , S/o. Mayilsamy, aged 56 years, Convict Prisoner vide no.25860, Central Prison, Coimbatore.

For Petitioner : Mr. D. Padmanabhan

For Respondent : Mr.R.Muniyapparaj,
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/convict prisoner on 08.10.2024 to provide treatment for "Coronary Angiography and Angioplasty" in a Speciality Hospital at Coimbatore or Kovai Medical Center and Hospital.

2. The learned counsel for the petitioner would submit that the petitioner/convict prisoner is already suffering from heart ailments. He was convicted to undergo the sentence for one year under Section 138 of Negotiable Instruments Act. Since the petitioner/convict prisoner is taking treatment at Kovai Medical Center and Hospital, all his medical records are available with the Kovai Medical Center and Hospital. Therefore, the representation is submitted to provide treatment at Kovai Medical Center and Hospital.

3. The learned Additional Public Prosecutor would oppose by stating that the petitioner/convict prisoner is not willing to do Coronary Angiography and Angioplasty at CMC, Coimbatore. Therefore, the representation submitted by the petitioner was not considered.



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4. We are of the considered opinion that the period of conviction is one year and more so, the nature of disease and the treatment taken by the petitioner/convict prisoner has not been disputed by the respondent. Further, on verification, it is found that the petitioner/convict prisoner was taking treatment at Kovai Medical Center and Hospital before conviction. In view of the abovesaid facts and circumstances, we are inclined to consider the present writ petition.

5. Accordingly, the Writ Petition is allowed and the respondent is directed to take the petitioner/convict prisoner to Kovai Medical Center and Hospital on 18.11.2024 with escort and after completing the surgical procedures, he may be taken back to prison by following the procedures. No costs.

[S.M.S., J.]

[M.J.R., J.]

13.11.2024

Index: Yes/No

Speaking/Non-speaking order

mrp

Note : Issue order copy today

To

1. The Superintendent of Police,
Central Prison,
Coimbatore.

2. The Public Prosecutor,
High Court of Madras.



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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

mrp

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