



W.P(MD)No.22121 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.22121 of 2024

B.Seethalakshmi

...Petitioner

Vs.

- 1.The District Collector,
Trichy District, Trichy.
- 2.The Superintendent of Police,
Trichy District, Trichy.
- 3.The Inspector of Police,
Lalgudi Police Station,
Trichy District.
- 4.Aruna
- 5.Indira
- 6.Nalan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to take appropriate steps under Section 100 of BNSS, to search and secure the petitioner's husband namely, R.Balakrishnan,



W.P(MD)No.22121 of 2024

S/o.Ramasamy from the illegal confinement of the respondents 4 to 6 and produce him before the jurisdictional magistrate, by considering the representation, dated 06.09.2024.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.M.Muthu Manikkam,
Government Advocate (Civil Side) for R1.

: Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor, for R2 & R3.

ORDER

The Writ Petition has been filed seeking orders to direct the first respondent to take appropriate steps under Section 100 of BNSS, to search and secure the petitioner's husband namely, R.Balakrishnan, S/o.Ramasamy from the illegal confinement of the respondents 4 to 6 and produce him before the jurisdictional magistrate, by considering the representation, dated 06.09.2024.

2.When the matter was taken up for hearing earlier, the learned counsel for the petitioner would submit that when the petitioner visited the hospital, it was informed that her husband was already discharged. The learned Additional Public Prosecutor has produced the medical record,



W.P(MD)No.22121 of 2024

which includes the discharge summary, but there was no specific date as to when, the petitioner's husband was discharged. Hence, the learned Additional Public Prosecutor sought time for getting instructions.

3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner's husband is still taking treatment as inpatient and the word discharge summary was mentioned by mistake and he is still in ventilator.

4. Since the petitioner's husband is in ventilator and taking treatment as inpatient, the question of considering the petitioner's representation does not arise at all at this stage.

5.The learned Additional Public Prosecutor would further submit that the two wives are with the patient and to take care of him.

6. At this juncture, the learned counsel for the petitioner would submit that the petitioner being the first wife, she is entitled to visit her husband.



W.P(MD)No.22121 of 2024

WEB COPY

7. Recording the same, the respondents are directed to permit the petitioner to visit her husband in the hospital.

8. With the above direction, the Writ Petition stands disposed of. No costs.

23.09.2024

NCC :Yes/No

Index :Yes/No

Internet: Yes/ No
das

To

1.The District Collector,
Trichy District, Trichy.

2.The Superintendent of Police,
Trichy District, Trichy.

3.The Inspector of Police,
Lalgudi Police Station, Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



W.P(MD)No.22121 of 2024

K.MURALI SHANKAR, J

das

Order made in
W.P.(MD)No.22121 of 2024

Dated : 23.09.2024