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W.P.No. 13584 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.13584 of 2025

N.Usha

... Petitioner

Vs.

1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 9.

2.The Director General of Police / Director General of Jails,
Tamil Nadu Prison Department,
Whannels Road, Ansari Estate,
Egmore, Chennai 8.

3.The Superintendent of Prisons,
Central Prison,
Cuddalore.

4.The Superintendent of Police,
Office of the Superintendent
Mayiladuthurai District.

5.The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.

..Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 05.04.2025 and to transfer the petitioner's grandson to any private hospital for medical treatment.

For Petitioner : Mr.P.Sesubalanraja for
M/S.P.K.Mohanasundhar

For Respondents : Mr.A.Gopinath,
Government Advocate (crl.side

ORDER

This writ petition has been filed seeking a direction to the respondents to consider the petitioner's representation dated 05.04.2025 and to transfer the petitioner's grandson to any private hospital for medical treatment.

2. Heard both sides and perused the materials placed before this Court.

3. The petitioner's grandson was arrested and remanded to judicial

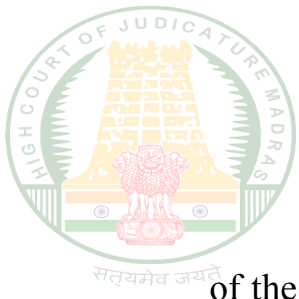


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custody on 03.04.2025 pursuant to the registration of FIR in Crime No.256 of 2025 for the offences punishable under Sections 296(b), 109, and 35(3) of the Bharatiya Nyaya Sanhita, 2023, and Section 25(1)(a) of the Arms Act. He is presently confined at the Central Prison, Cuddalore. According to the petitioner, her grandson was illegally detained by the fifth respondent on 02.03.2025 and was not produced before the concerned Judicial Magistrate on that date. On 03.04.2025, the petitioner received information regarding her grandson's arrest and remand to judicial custody. Subsequently, on 04.04.2025, the petitioner's counsel visited the Central Prison, Cuddalore, and observed that the detainee had sustained grievous injury to his right leg. It is alleged that the injury was caused due to assault by the police personnel. The petitioner states that her grandson had multiple contusions, and his right leg was bleeding. He was not provided with proper medical care at the relevant time, though treatment was being administered at the jail hospital.

4. On perusal of records reveals that at the time of his remand, the petitioner's grandson had sustained a fracture above the knee (AK slab)

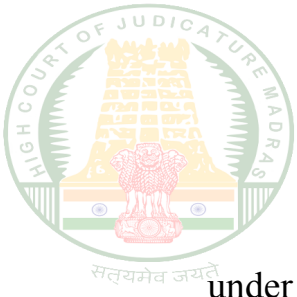


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of the right lower limb, along with an injury over the right leg, for which treatment was initially provided at the Government Hospital, Mayiladuthurai, on 03.04.2025. On receipt of the petitioner's representation dated 05.04.2025, the same was promptly forwarded to the Prison Medical Officer for necessary action. As per the records submitted by the Prison Medical Officer, Central Prison, Cuddalore, the detainee has been receiving continuous treatment as an inpatient at the prison hospital since the date of his custody.

5. On 10.04.2025, an opinion was obtained from an orthopedic surgeon at the Central Prison, who advised continuation of the AK slab and recommended an X-ray of the right leg. Consequently, on 12.04.2025, the petitioner's grandson was taken to the Government Headquarters Hospital, Cuddalore, where an X-ray (AP/Lateral view) was taken. The X-ray revealed an undisplaced fracture of the right tibial bone. The orthopedic surgeon advised continuation of the AK slab and suggested a follow-up review after one week. It is thus evident that the petitioner's grandson has sustained a fracture above the right knee and is



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under continuous treatment at the prison hospital. However, considering the nature of the injury and in the interest of providing specialized care, the petitioner has requested that her grandson be shifted to a private hospital for better treatment.

6. In view of the above facts and circumstances, the third respondent is directed to transfer the petitioner's grandson, namely Sudharsan S/o Murugesan, Remand Prisoner No.4237 (PID No.372464), to a private hospital as suggested by the petitioner forthwith, with necessary escort and security. After completion of the treatment and based on the medical opinion of the treating doctors at the private hospital, he shall be taken back to the Central Prison, Cuddalore.

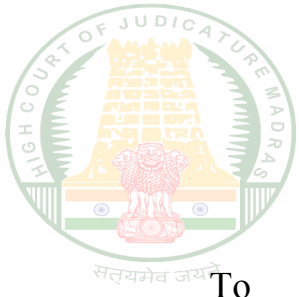
7. Accordingly, this writ petition is allowed. No costs.

17.04.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk

G.K.ILANTHIRAIYAN, J.

shk



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To
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4.The Superintendent of Police,
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5.The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.

6. The Public Prosecutor,
High Court, Madras.

17.04.2025