



CRL MP(MD) No. 8130 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11-07-2025

CORAM

THE HONOURABLE DR JUSTICE R.N.MANJULA

CRL MP(MD) No. 8130 of 2025

in CrI.A(MD).No.143 of 2023

Palanisamy

... Petitioner

Vs

State rep., by its

The Inspector of Police,

Rajapalayam All Women Police Station,

Virudhunagar District.

Crime No.13 of 2020

... Respondents

For Petitioner(s):

Mr.A.Saravanan

For Respondent(s):

Mr.A.Albert James,

Government Advocate (CrI.side)

Prayer: This Petition is filed under Section 528 of BNSS praying to extend the time granted to the petitioner in CrI.M.P(MD).No.4105 of 2025 in CrI.A(MD).No.143 of 2023 by an order dated 23.04.2025 for a further period of two months.

ORDER

This petition is filed to extend the time granted to the petitioner in CrI.M.P (MD).No.4105 of 2025 in CrI.A(MD).No.143 of 2023 by an order dated 23.04.2025 for



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a further period of two months.

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2. The petitioner initially filed Crl.M.P(MD).No.4105 of 2025 seeking interim suspension of sentence imposed by the Special Court for POCSO Act Cases, Virudhunagar District at Srivilliputhur, in Spl.S.C.No.20 of 2021 dated 02.02.2023, on the ground of undergoing medical treatment. Considering such ground, this Court, vide order dated 23.04.2025, allowed the said petition by suspending the substantive sentence of imprisonment alone imposed on the petitioner for a period of two months i.e., from 28.04.2025 to 28.06.2025. It was actually represented by the petitioner that he has chosen to undergo the surgery in a private hospital in order to enable his family to take care of him. Thereafter, the petitioner has filed the present petition seeking aforesaid prayer.

3. When the matter was taken up for hearing on 27.06.2025, it was represented that the petitioner was unable to arrange money to undergo surgery and he is going to get admitted in the hospital on 28.06.2025 and under this circumstances, this Court extended the suspension of sentence upto 07.07.2025 and directed the matter to be listed for reporting the status. Even in that order, the Court has observed as under:

“2.In the petition filed by the petitioner in Crl.M.P(MD) No. 4105 of

2025, an order has been passed on 23.04.2025 by suspending the sentence



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for a period of two months from 28.04.2025 to 23.06.2025, since the petitioner has to undergo a major surgery in a private hospital, due to his Cardiac issue.

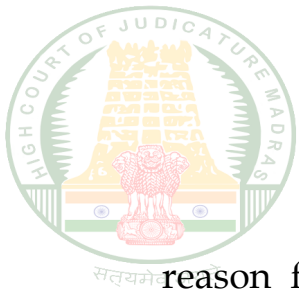
3.Now the petitioner has filed this petition seeking further extension by stating that he had arranged money for the surgical treatment, which is going to be undergone shortly.

4.The petitioner has already alleged that he has to undergo surgery in a private hospital. Only on that ground, order of suspension has been granted to the petitioner for a period of 2 months. Therefore, it is expected that the petitioner should have completed his surgical treatment by this time.

5.The learned counsel for the petitioner now submitted that it is not possible for him to arrange money and that is why, he could not undergo the surgery.

6.The conduct of the petitioner reporting to the hospital on 06.06.2025 for evaluation and then postponing the treatment under one pretext or other, does not appear to be genuine.

7.Though the petitioner has cardiac issue, taking advantage of the suspension already given for nearly two months, the petitioner has chosen to allow the period to expire by saying that he did not get admitted in the hospital, as the Hospital authorities asked him to pay the money. No private hospital will do the surgery without paying money by the patient. Even if the petitioner is not ready with the money, he could have filed a petition for suspension after arranging the money. So the conduct of the petitioner appears that he just intends to get maximum time by stating the



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reason for surgery. When the petitioner did not have money, then he should allow the Jail authorities to admit him in the Government hospital to do the surgery.

8.The petitioner has stated that he is going to admit in the hospital for surgery tomorrow. Hence, the sentence is suspended till 07.07.2025.”

4. Thereafter, when the matter was taken up for hearing on 08.07.2025, it was represented that the petitioner is going to undergo surgery on 09.07.2025. However, on 09.07.2025, it was submitted by the learned counsel for the petitioner that the petitioner had undergone only angiogram on 08.07.2025 and the date for surgery has not yet been fixed. It was further submitted that the petitioner is going to undergo surgery in a Government Hospital as his family is unable to arrange the required funds. This submission is in direct contradiction to the earlier representation made by the petitioner, on the basis of which, this Court granted second extension of suspension of sentence on 27.06.2025. In fact, on the very first occasion, this Court has directed the respondent police to ascertain the status of the petitioner from the Prison Hospital. The Assistant Civil Surgeon, Central Prison Hospital, Madurai, had submitted a report dated 11.04.2025 by stating that the petitioner does not require any immediate surgery or treatment. However, by producing subsequent documents, the petitioner could get order for suspending the sentence and thereafter, further extension. The petitioner appears to have



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undergone the echo cardiography on 05.07.2025, in which, the diagnosis has been
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made as under:

ECHOCARDIOGRAPHIC REPORT
Department of Cardiology, GRH, Madurai

Name Pabul Samy Age/Sex 51/M MCD No. 326570 Left Ventricular segmentation
Unit II Echo No. Date 5/7/25

LVIDd 5.5 (cm) LVIDs 4.0 (cm) LVEF % 45%

Regional wall motion abnormality :
Hypokinesia / Akinesia / Dyskinesia / Aneurysm

Basal Level Aw / AS
Mid LV Level Aw / AS
Apex Anterior

1) bA	7) mA	13) AA
2) bAS	8) mAS	14) AS
3) bIS	9) mIS	15) AI
4) bI	10) mI	16) AL
5) bIL	11) mIL	17) Apex
6) bAL	12) mAL	

All Valves are normal. LA and LV are mildly dilated
There is no clot. - Altered Septal motion

Doppler MR - NI
Gr. I LV diastolic dysfunction.

IMPRESSION
No Pericardial effusion
Regional wall motion Abnormality is suggestive of Coronary artery disease
LVEF 45%. Mild LV systolic dysfunction.

(Dr. Periyasamy MD)

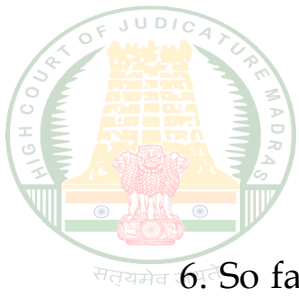


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5. As the petitioner is making different representation each time, this Court directed the respondent police to ascertain the status of the petitioner's admission and what is the treatment plan suggested by the doctor and adjourned the matter today i.e., 11.07.2025. In pursuant to the same, the report from the doctor is produced today by the learned Government Advocate (Crl.side). The report of the doctor reads as under:

“The patient who is a known case of Diabetes/Hypertension/Coronary Artery Disease triple vessel disease, came with complaints of chest pain for 3days was admitted on 04.07.2025 at 01.02 pm., and patient diagnosed as Coronary artery disease/Acute Coronary Syndrome/Unstable angina based on ECG and clinical findings. Relevant blood investigations were done and all were unremarkable except blood sugar. Patient was treated with anti coagulants, anti-platelets, statins, anti hypertensive, anti diabetic drugs according to blood sugar levels. Cardiologist and Cardiothoracic surgeon opinion was obtained and ECHO and Coronary Angio-gram was done. ECHO impression-Suggestive of Coronary Artery Disease. Coronary angiogram done by cardiologist which showed multi vessel disease and patient was advised CABG (Coronary Artery Bypass Graft). Cardiothoracic surgeon reviewed and advised CABG. Patient was not willing for CABG and Patient was discharged on 10.07.2025 at 02.00 PM. “



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6. So far, the petitioner has been filing petition after petition by stating that he has to undergo cardiac surgery for his cardiac ailments. Initially, he opted to admit in a Private Hospital and thereafter, he changed his decision and informed the Court that he would seek treatment at the Government Hospital. Now, it is learnt from the report of the doctor that the petitioner is not willing to subject himself to undergo surgery as advised by the doctor and hence, he was discharged from the hospital on 10.07.2025 at 02.00 pm.

7. Since the petitioner cannot be permitted to indefinitely delay his incarceration on the pretext of medical treatment, this Civil Miscellaneous Petition is dismissed.

8. The trial Court is directed to secure the petitioner forthwith in order to send him to prison to serve the punishment imposed.

sd/-
11/07/2025

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14/07/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1. THE JUDGE, SPECIAL COURT FOR POCSO ACT CASES,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
3. THE ASSISTANT CIVIL SURGEON, CENTRAL PRISON
HOSPITAL, MADURAI.
4. THE INSPECTOR OF POLICE, RAJAPALAYAM
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL MP(MD) No. 8130 of 2025
in CrI.A(MD).No.143 of 2023
Date :11/07/2025

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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023