

Petitioner Vs. Respondent

Petitioner Vs. Respondent

SooperKanoon Citation : sooperkanoon.com/1186694

Court : Chennai

Decided On : Dec-01-2016

Judge : M. Jaichandren & S. Baskaran

Appeal No. : Crl.M.P. No. 12654 of 2016 in H.C.P. No. 2300 of 2016

Appellant : Petitioner

Respondent : Respondent

Judgement :

1. This miscellaneous petition has been filed, praying that this Court may be pleased to extend the period of treatment of the petitioner's father, namely, P.Dharamchand (Convict Prisoner No.6322), for a further period of five weeks, from 30.11.2016 to 07.01.2017.

2. Heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the respondents.

3. It has been stated that the convict prisoner, namely, P.Dharamchand (Convict Prisoner No.6322), is in need of intensive treatment, at Sampat Nursing Home, Mylapore, Chennai, for the illness relating to bone grafting and for cardiac and ortho related issues. In such circumstances, this court had passed an order, on 4.11.2016, which reads as follows:

"6. In view of the aforesaid circumstances, we pass the following order:

(a) The detenu, namely, P.Dharamchand, son of Pannalal, who is now confined at the Central Prison-I, Puzhal, Chennai, is permitted to go for the surgery, at his cost, in the Sampat Nursing Home, Mylapore, Chennai. For that purpose, he is granted permission from 09.11.2016 for a period of three weeks.

(b) The Superintendent of Central Prison-I, Puzhal, Chennai, is hereby directed to pass appropriate orders, granting him permission, as aforesaid, for the purpose of undergoing a surgery and treatment.

(c) The Jail Authorities are directed to release the detenu, namely, P.Dharamchand, son of Pannalal, on production of this order.

(d) It is made clear that the detenu should be brought back to the Central Prison, Puzhal, Chennai, after a period of three weeks, from 9.11.2016, without fail.

(e) The Jail Authorities, during the said period, shall provide proper escort to the detenu in order to ensure the safety and security of the detenu, round the clock. They shall also impose suitable conditions to that effect. The expenses of the escort shall be borne by the petitioner.

(f) The detenu should also abide by the conditions to be imposed by the authorities concerned.

(g) The private hospital authorities, namely, Sampat Nursing Home, is directed to permit the police escort to be present along with the detenu, at the hospital, round the clock."

4. Thereafter, a request has been made before this Court in a Criminal Miscellaneous Petition, in CrI.M.P.No.12654 of 2016, for extension of further time, for continuing the treatment.

5. A medical certificate, dated 21.11.2016, issued by the authorised signatory of Sampat Nursing Home, Mylapore, Chennai, had been filed before this Court, wherein medical reasons have been stated, for further treatment of the convict prisoner, namely, P.Dharamchand, as an inpatient, in the same Nursing Home.

6. In such circumstances, this Court had directed the learned Additional Public Prosecutor to produce a medical report, relating to the health condition of the convict prisoner, namely, P.Dharamchand (Convict Prisoner No.6322).

7. Today, when the matter had been taken up, for further hearing, a medical report, dated 30.11.2016, relating to the convict had been filed before this Court, signed by Prof.N.Deen M.Ismail, Director and Professor, Institute of Orthopaedics and Traumatology, Madras Medical College and Rajiv Gandhi Government General Hospital, Chennai. The said report reads as follows:

"With reference to the above letter, I clinically examined the patient Mr.P.Dharamchand, 53 years male, OP.No.75454.

On examining the x-rays, he has non union of left radius middle 1/3rd with multiple pin tracts seen in the x-ray. He would require a treatment as In-patient in the form of Intravenous antibiotics, Repeat Debridement if necessary and repeat Open reduction and internal fixation/External fixation for the left radius.

This patient needs further treatment as in-patient approximately for the next 5 weeks."

8. In view of the medical report filed by the Director and Professor, Institute of Orthopaedics and Traumatology, Madras Medical College and Rajiv Gandhi Government General Hospital, Chennai, dated 30.11.2016, the convict prisoner, namely, P.Dharamchand (convict prisoner No.6322), is permitted to undergo further medical treatment, at Sampat Nursing Home, Mylapore, Chennai, till 07.01.2017, as per the following conditions:

(a) The convict, namely, P.Dharamchand, son of Pannalal, who is detained at the Central Prison-I, Puzhal, Chennai, is permitted to continue his further treatment, at Sampat Nursing Home, Mylapore, Chennai, at his own cost, till 07.01.2017.

(b) The Superintendent of Central Prison-I, Puzhal, Chennai, is hereby directed to pass appropriate orders, granting him further permission, as aforesaid, for the purpose of undergoing a surgery and treatment, at Sampat Nursing Home, Mylapore, Chennai.

(c) It is made clear that the convict, namely, P.Dharamchand, should be brought back to the Central Prison-I, Puzhal, Chennai, after treatment, by 4.00 p.m., on 7.1.2017, without fail.

(d) The Jail Authorities, during the said period, shall provide proper escort to the convict in order to ensure the safety and security of the convict, round the clock. They shall also impose suitable conditions to that effect. The expenses of the escort shall be borne by the petitioner.

(e) The convict should also abide by the conditions to be imposed by the authorities concerned.

(f) The private hospital authorities, namely, Sampat Nursing Home, is directed to permit the police escort to be present along with the convict, at the hospital, round the clock."

9. The Miscellaneous Petition is ordered in the above terms.

10. Post on 09.01.2017 for reporting compliance.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com