



HCP.No.1051/2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.05.2024

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

HCP.No.1051 of 2024

A.Kamala

.. Petitioner

Versus

1. The Home Secretary
Department of Home, Prohibition and Excise department,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009
2. The Director General of Police,
Police Head Quarters,
Dr.Radhakrishnan Salai, Mylapore,
Chennai, Tamil Nadu – 600 004.
3. The Director General of Prisons/Correctional Services,
Whannels Road, Egmore,
Chennai, Tamil Nadu – 600 008
4. The Additional Superintendent of Prisons,
Office of the Superintendent of Prisons,
Central Prison, Gandhipuram,
Coimbatore, Tamil Nadu 641 012

.. Respondents



HCP.No.1051/2024

WEB COPY

Prayer:- Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents to conduct judicial inquiry against the custodial violence incited against the petitioner's son Mr.A.Shankar @ Savuku Sankar and to provide adequate medical treatment in a private hospital for the severe injuries inflicted on petitioner's son during the custodial violence against petitioner's son confined in the Central Prison, Coimbatore, under the Judicial custody.

For Petitioner : Mr.John Sathyan
Senior Advocate
for Mr.T.S.Lavanesh
For Respondents : Mr.E.Raj Thilak
Additional Government Pleader

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.,]

(1)The petitioner/mother of the detenu A.Shankar @ Savuku Sankar has filed the present petition to order to conduct a judicial enquiry about the custodial violence caused to the detenu and to provide adequate medical treatment in a private hospital for the severe injuries said to have been inflicted on him during his confinement at the Central Prison, Coimbatore.



HCP.No.1051/2024

WEB COPY

(2) Heard Mr. John Sathyan, learned Senior counsel appearing for the petitioner and Mr. E. Raj Thilak, learned Additional Public Prosecutor appearing for the respondents.

(3) When the matter was listed yesterday [08.05.2024], this Court, taking note of the submissions made on either side, had called for a Report from the District Legal Services Authority, Coimbatore, with regard to the health condition of the remand prisoner/detenu.

(4) Pursuant to the above direction, a communication dated 07.05.2024 from the Chairman/Principal District Judge, District Legal Services Authority, Coimbatore, along with the report of the Chief Legal Aid Defence Counsel and the Medical Report of the Assistant Surgeon, Central Prison Dispensary, Coimbatore dated 07.05.2024, is placed before us today.

(5) The relevant paragraphs of the said Report are extracted hereunder:-

"I am writing to report on the enquiry conducted in response to the letter dated 06.05.2024, received by our office on 07.05.2024 at 11.00 a.m. The enquiry pertained to an alleged assault on a prisoner A. Shankar, RP.No.7261.



WEB COPY



HCP.No.1051/2024

2.I, accompanied by my Deputy, A.Unnamalai, and Assistant, S.Raajkumar, visited the Central Prison, promptly upon receiving the communication. Upon arrival, we informed the prison authorities of our intention to conduct an enquiry with the aforementioned prisoner. We were directed to wait in the Jailor's office, where we remained until 12.00 p.m. Subsequently, we were escorted to the Additional Superintendent's Room, where the prisoner was presented to me by 12.15 p.m

3.During the personal interview with the prisoner, he disclosed that he had been transferred from the 3rd Block and underwent a medical examination upon admission on 05.05.2024 at approximately 12.00 a.m. Following the examination, he was instructed to wait in the prisoner's waiting room. Additionally, he alleged that he had been subjected to assault by the prison authorities.

4.Upon physical examination, I observed dried injuries on his right leg, right foot, right hand elbow and lips. Notably, there were old stitches visible on his right wrist, which he explained that it was a result of a prior medical treatment involving plating in his right wrist. His right hand exhibited tenderness,



HCP.No.1051/2024

WEB COPY

swelling, and a reddish discoloration, with noticeable bubbles with the swelling.

5.Subsequently, I requested the Jail Doctor, Dr.Sri Ram, to provide his opinion regarding the observed symptoms. However, the doctor did not offer a direct response to the queries regarding the tenderness, swelling, and bubbles present in the prisoner's right hand. Therefore, I requested a written medical report, which was provided by the Jail authorities by 1.45 p.m."

(6)Learned Additional Public Prosecutor would submit that based on the Report of the Chief Legal Aid Defence Counsel, the learned Judicial Magistrate No.4, Coimbatore, vide order dated 08.05.2024 in CrI.MP.No.16281/2024, without going into the merits of the allegations, had directed the Superintendent of Central Prison, Coimbatore, to give medical assistance to the remand prisoner/detenu A.Shankar @ Savuku Shankar, in Coimbatore Medical College Hospital at Coimbatore. It is relevant to extract the said portion of the order of the learned Judicial Magistrate – IV, Coimbatore dated 08.05.2024:-

"9.On perusal of the report along with medical certificate submitted by the Chief Legal Aid Defence



HCP.No.1051/2024

WEB COPY

Counsel, this Court found that there is an opinion given by the doctor for X-ray and suggested to get an opinion from the plastic surgeon. Hence, in view of this Court it is found that the medical treatment for the petitioner/accused is an essential one at this stage. Therefore, without going into the merits of allegations raised by the petitioner/accused about jail authorities and in the interest of justice, this Court has directed the Superintendent of Central Prison, Coimbatore to give proper treatment and medical assistance to the remand prisoner A.Shankar @ Savuku Shankar RP.No.7261 in Coimbatore Medical College and Hospital at Coimbatore, immediately without any delay as per law. The Jail Authorities are directed to get fit for remand certificate from the Regional Medical Officer for the accused and remand him to the prison according to law."

(7)The learned Additional Public Prosecutor would stoutly contend that pursuant to the directions passed by the learned Judicial Magistrate, an enquiry had been conducted by the DLSA, Coimbatore, which is a statutory body. The learned Judicial Magistrate, after receipt of DLSA, had also directed the remand prisoner to be treated as an Out-patient in



HCP.No.1051/2024

WEB COPY

the Coimbatore Medical College and Hospital, Coimbatore. In such circumstances, when the learned Magistrate concerned has seized of the matter and an enquiry had been conducted by a statutory body, nothing survives in this petition. Learned Additional Public Prosecutor would also reiterate that even at the time of remand, several injuries were found on the petitioner's son and he had informed the Magistrate that those injuries were sustained by him in the road accident.

(8) It is the further contention of the learned Additional Public Prosecutor that even at the time of remand, the detenu has mentioned about the injuries sustained by him and now that an enquiry had been conducted and report being filed by the Chairman, District Legal Services Authority, Coimbatore which is a statutory body, nothing survives and hence, prayed for closure of this petition.

(9) At this juncture, Mr. John Sathyan, learned Senior counsel appearing for the petitioner would submit that the Superintendent of Coimbatore Prison, one Mr. Senthil Kumar, has nurtured enmity against the petitioner's son and there is an apprehension of risk to the life of the remand prisoner/detenu and that the petitioner / mother of the detenu



HCP.No.1051/2024

WEB COPY

had already submitted a representation dated 09.05.2024 to the respondents 3 and 4 seeking transfer of prison from the Central Prison, Coimbatore to any other prison. He would also add that the petitioner also reserves her right to proceed against the jail authorities / officials before the State Human Rights Commission. Learned Senior counsel also submitted that the respondents may be directed to consider the representation of the petitioner dated 09.05.2024.

(10) This Court, without going into the merits of the representation dated 09.05.2024 submitted by the petitioner seeking prison transfer for her son, directs respondents 3 and 4 to consider and dispose of the said representation dated 09.05.2024 on merits and in accordance with law and pass orders within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner herein.

(11) With the above direction, the Habeas Corpus Petition stands **closed**.

[ADJCJ] [RKMJ]
09.05.2024

AP
Internet : Yes



HCP.No.1051/2024

WEB COPY

To

1. The Home Secretary
Department of Home, Prohibition and Excise department,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.
2. The Director General of Police,
Police Head Quarters,
Dr.Radhakrishnan Salai, Mylapore,
Chennai, Tamil Nadu – 600 004.
3. The Director General of Prisons/Correctional Services,
Whannels Road, Egmore, Chennai, Tamil Nadu – 600 008.
4. The Additional Superintendent of Prisons,
Office of the Superintendent of Prisons,
Central Prison, Gandhipuram,
Coimbatore, Tamil Nadu 641 012.
5. The Public Prosecutor
High Court , Madras.



WEB COPY



HCP.No.1051/2024

A.D.JAGADISH CHANDIRA, J.,
and
R.KALAIMATHI, J.,

AP

HCP.No.1051 of 2024

09.05.2024