

**IN THE SPECIAL COURT FOR TRIAL OF NIA CASES, KERALA,
ERNAKULAM**

Present:- Shri. Kamanees K., Judge, Special Court for NIA Cases.

Saturday, the 1st day of March, 2025 / 10th Phalguna, 1946

Crl.M.P No. 13/2025

in

S.C No. 04/2021/NIA

Petitioners / Accused No. 9 :-

Satkunam @ Sabesan, S/o. Sachithanandam,
Aged 49, F/No. 33, Murali Krishna Nagar,
Main Road, Valsaravakkam,
Chennai, Tamil Nadu .

By Advs. Sri. Rajarajan A., & Sri. Sampathkumar. C

Respondent / Complainant :-

Union of India,
represented by National Investigation Agency, Kochi

By Smt. Sindhu Ravishankar, Special Public Prosecutor, NIA.

This petition having been heard on 17/02/2025 and the Court on this day passed the following:-

ORDER

This is an application filed by the 9th accused to give direction to Prison authorities to provide necessary special diet and special medical treatment in private hospital, outside the prison to the petitioner (either in Tamil Nadu or in Kerala) – like KIMS, or such other suitable hospital.

2) The petition averments in brief may be noticed:- The petitioner was charged under Sections 120B, 125, 465 and 471 of the IPC, Sections 18, 20, 38,

39, and 40 of the Unlawful Activities (Prevention) Act, Sections 7 r/w.25(1AA) of the Arms Act, 1959, and Sections 8(c) r/w. Sections 21(c), 23(c), 24, 27A, 28, and 29 of the NDPS Act, facing trial before this court, and has been in judicial custody since 05.10.2021.

3) From 19/06/2024, the petitioner has been isolated in prison due to tuberculosis. The petitioner also suffers from a heart condition and has been advised by prison doctors to take medication for various health issues. The petitioner has been taken for medical checkups from the prison to Trissur CMC numerous times.

4) Thrissur CMC doctor recently instructed the petitioner to undergo surgery for Tuberculosis, fixing the surgery date on 11.12.2024, during which a minor surgery was conducted. Another surgery was recommended for a later date 23/12/2024. The petitioner feels that unless properly diagnosed, his health will continue to deteriorate due to the critical condition of his Tuberculosis. Consequently, the petitioner is unwilling to undergo the next surgery in a Government hospital controlled by the same government detaining him in prison.

5) The petitioner previously underwent Angiogram treatment in Chennai, Tamil Nadu. Therefore, the petitioner wishes to consult his personal

doctor in Tamil Nadu, whom he has consulted periodically, and is willing to receive treatment in any prominent private hospital in Kerala or Tamil Nadu at his own expense.

6) Considering the seriousness of his health, the Trissur CMC doctors advised mandatory surgery. However, the petitioner is afraid to undergo surgery without the knowledge of his personal doctor in a Government hospital.

7) Due to the above complications, his weight is decreasing day by day, and he is struggling to walk properly. He has experienced side effects but is treated as a normal patient with only the available medical facilities in the prison. Despite requesting special treatment, none of the special diet provisions for prisoners under medical treatment have been provided, as per the prison manual.

8) Therefore, unless specialised care and treatment are given to the petitioner in a private hospital, the situation may lead to serious health issue and he will go to mental depression as well. As per the existing Prison Rules and Prison Manual, safety and health of the prisoners are to be given prime consideration and the petitioner is entitled to get special treatment.

9) Whether the petition is allowable is the moot question to be decided.

10) For the purpose of disposal of this petition, both sides were heard.

11) **The Point**:- The petitioner stated that he underwent surgery for Tuberculosis recently and yet another surgery was recommended which has to be performed during December 2024. The petitioner stated that he underwent Angiogram procedure from Chennai and he wants to consult his personal doctor at Tamil Nadu and considering the seriousness of his health, CMC doctors from Thrissur advised surgery and the petitioner is afraid of undergoing surgery, without taking advice of his personal doctor. It is also stated that his weight is decreasing day by day and is struggling to walk properly. Therefore, the petitioner wants a direction from this court to the prison authorities to provide special diet and special treatment in private hospital outside and the petitioner be taken to Tamil Nadu or in Kerala where better facilities are available.

12) The prison authorities will be having all the medical records pertaining to the ailments that the petitioner is suffering while in incarceration. The Prison Rules and Manual dictates that safety and health of the inmates of the prison are to be given top priority and they must be subjected to all kinds of treatment as advised by the physician. In the instant case, the petitioner had underwent more than one surgery and he states that he had undergone Angiogram procedure from Chennai and he wants to consult his personal

physician there at Chennai, especially, when other ailments still subsists. Considering the entire inputs, this court is of the opinion that the petitioner may be taken to his doctor at Tamil Nadu, his native place for consultation along with available medical records and he be provided necessary treatment as advised by the doctor there and also in consultation with doctors available at prison and also at the Government hospital here at Kerala. I made myself clear that the intention to pass such a direction is that the petitioner shall not be deprived of medical attention as there cannot be any compromise on the part of the Prison authorities in providing treatment. The petition is, therefore, disposed as above.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 1st day of March, 2025.

Sd/-
N. Seshadrinathan
Judge for NIA Cases

APPENDIX : NIL

Sd/-
Judge for NIA Cases

// True copy //

(By Order)

Sd/-
Sheristadar

Order in
CrI.M.P No. 13/2025 in
S.C No. 04/2021/NIA
Dated: 01/03/2025