

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru. S. Karthikeyan, M.A., M.L., M.Sc., P.G.D.C.F.Sc.,
Principal Sessions Judge**

Thursday, the 27th day of February, 2025

Memo dated 18.02.2025

(filed by the counsel on behalf of Accused/P. Nagendran)

in

S.C.No.425/2024

in

Crime No.293/2024

P. Nagendran

.. Petitioner/Accused No.1

Vs.

State Rep. by
The Assistant Commissioner of Police,
Koyambedu Police Range,
Maduravoyal,
Chennai.

..Respondent/Complainant.

This Memo is coming on this day before this court for hearing in the presence of M/s. Baalaji, John Paul, M. Balaji, A. Arun, the Counsel for the petitioner/Accused and of SPP, for the respondent and upon hearing them, this Court delivered the following :

ORDER

1. The learned counsel for the 1st Accused in S.C.No.425/2024 has filed a Memo before this court to allow and permit the Accused for better medical treatment and to record the memo.

2. In pursuance of the order passed by this court in the above said memo, dated 21.02.2025, the Dean, Rajiv Gandhi Government General Hospital, Chennai - 3 has constituted a Medical Board comprising the Medical Officers having expertise at General Medicine, Medical Gastro Enterology and Hepatology. The team of Medical

Officers visited the patient on 25.02.2025 at Christian Medical College, Vellore and submitted a Report, dated 26.02.2025 before this court.

3. On careful perusal of the Report, it is found that the prisoner was admitted in the Department of Hepatology at Christian Medical College, Vellore(Ranipet Campus) on 30.01.2025 with complaints of Jaundice and Itching of more than two weeks duration. He was evaluated with blood investigations, MRCP and Hepatica Biliary Scintigraphy. Based on clinical and biochemical evaluation, he was diagnosed to have Acute Hepatitis. The prisoner underwent various investigations based on the differentials and since the results were inconclusive, he underwent liver biopsy and the biopsy report was suggestive of late acute rejection. In addition, the patient also underwent evaluation for his diarrhoea, which showed mild Chronic active Colitis, for which treatment was initiated and diarrhoeal disease is under control at present.

4. Based on the liver biopsy reports, he was started on pulse steroid therapy along with optimization of Immunosuppression dosage, antiviral and antibiotic medication. The patient had inadequate response to the first pulse steroid therapy and therefore, second dose of pulse steroid therapy was started. There is no adequate response even to second steroid pulse therapy. Therefore, the Doctors, who are treating the prisoner counselled the family members regarding repeat biopsy of the liver and starting with second line immunosuppression with Basiliximab. However, the prisoner and his family members are not willing for repeat liver biopsy and second line immunosuppression. Therefore, the current line of management is being continued. Therefore, the Medical Board is of the opinion that if the patient's liver status continues to worsen, he may require a repeat liver transplantation, which has to be done in a centre with adequate facilities for living donor liver transplantation. Beyond that nothing has been indicated in the Report of the Medical Board that A1 requires immediate medical attention.

5. It is brought to the notice of this court that A1's wife has approached the Hon'ble High Court, Madras in W.P.No.31711/2024 and the Hon'ble High Court, Madras by its order dated 29.10.2024 directed the respondents thereon to take the prisoner to CMC, Vellore for medical examination and thereafter provide medical treatment as per the medical advise, if any by the CMC, Vellore. It is also directed that for taking the petitioner to CMC, Vellore and for providing treatment at CMC, the petitioner has to meet out the expenses, since CMC, Vellore is collecting charges for such medical treatment.

6. However, the learned counsel for A1 submitted that the prisoner was not taken for treatment as per the order passed by the Hon'ble High Court of Madras in W.P.No.31711/2024, dated 29.10.2024 and the same was taken to the notice of the Hon'ble High Court, Madras also. However, the fact remains that A1 is being treated at CMC, Vellore as of now.

7. The Doctors, being experts in the field of Medicine have to decide, whether to continue the treatment at CMC, Vellore or to shift to any other Higher Centre with adequate facilities. The report submitted by the Medical Board constituted by the Dean, Rajiv Gandhi Government General Hospital, Chennai does not indicate the requirement of any immediate medical care to the prisoner. From the report, it is found that the prisoner and his family members are not co-operating for the line of treatment suggested by the Doctors of CMC, Vellore. Therefore, this court advised the prisoner and his family members to co-operate for the treatment provided at CMC, Vellore.

8. It is also to be noted that the petition preferred by the wife of A1 challenging the order of the Hon'ble High Court, Madras in W.P.No.3933/2025, dated 04.02.2025, is now pending before the Hon'ble Apex Court in S.L.P. (C)No.4914/2025. The Hon'ble Apex Court has adjourned the matter to 17.03.2025

and made an observation that pendency of SLP shall not preclude this court to consider and decide the application for shifting made by the wife of the life-convict. The prisoner's wife has not come up with any application before this court seeking for shifting A1 either from the hospital or from the Vellore prison. Therefore, this court is of the considered view that no directions need to be passed in this memo when the higher forums are seized of the matter. The prisoner is at liberty to approach either Hon'ble High Court of Madras or the Hon'ble Apex Court for further direction, if he is advised so. Accordingly, this memo is closed.

Dictated to the steno-typist, transcribed and typed by her, corrected and pronounced by me in the open court, this the 27th day of February 2025.

Principal Sessions Judge.