

(1982) 12 GAU CK 0002

Gauhati High Court

Case No: Criminal Miscellaneous Application Case No. 17 of 1982

Mt. Oinam Ongbi Bimola Devi,
M/o Oinam Romeo Singh of
Pishumthong Oinam

APPELLANT

Vs

The State of Manipur and
Another

RESPONDENT

Date of Decision: Dec. 17, 1982

Acts Referred:

- Arms Act, 1959 - Section 25
- Constitution of India, 1950 - Article 227
- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 121, 121A, 307
- Unlawful Activities (Prevention) Act, 1967 - Section 13

Citation: (1983) 1 GLR 191

Hon'ble Judges: N. Ibotombi Singh, J

Bench: Single Bench

Advocate: Ashok Potsangbam, for the Appellant; Th. Munindrakumar Singh, Public Prosecutor, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

N.I. Singh, J.

On the prayer of the learned Counsel Shri Ashok Potsangbam for the Petitioner, the application is treated as one u/s 482 Code of Criminal Procedure and Article 227 of the Constitution of India. As agreed to by the learned Counsel of both the parties, the case is finally heard on merit. Heard the learned Counsel Shri Ashok Potsangbam and the learned public Prosecutor.

2. The matter is very simple. It is the case of the Petitioner that despite direction of the learned Chief Judicial Magistrate, Manipur Central, to provide medical treatment

to Sri Oinam Romeo Singh, an under-trial prisoner, arrested in connection with F.I.R. Case No. 50 (4) 82 Nambol P.S., under Sections 121, 121-A, 307 I.P.C. 25(a) Arms Act and 13 U.A.P. Act, no medical treatment has yet been given. The Medical officer, in-charge of the Manipur Central Jail Hospital, Imphal, in his letter dated 3.11.1982 addressed to the Superintendent, Manipur Central Jail, Imphal states in clear terms that the under trial prisoner O. Romeo Singh is unable to stand and walk due to malunion of the fracture left shaft of femur with posterior angulation and shorting of about 2". The letter further states that the fracture was caused by bullet injury and as such he should be referred to an orthopaedic surgeon of a well equipped hospital for proper treatment and care.

3. An under-trial prisoner is a human being and citizen of India; and he is also entitled to the facility for medical treatment direct to rules in the Jail Manual and law of the land. In the instant case, when the medical officer, in-charge of the Hospital, reports that he should be referred to orthopaedic (sic) of a well equipped hospital for proper treatment and the authority concerned should have taken a prompt action to provide medical treatment to him. Even otherwise, on humanitarian ground, the authority concerned was expected to provide medical treatment to him in such a case, without waiting for direction and order from the Court. The Chief Judicial Magistrate, Central, had, however, already directed the authority to provide medical treatment but the order has not been compliance with as yet.

4. In the circumstances, the authority, the Respondents herein, the State of Manipur and the Superintendent of Manipur Central Imphal, are hereby directed to provide medical treatment to under-trial prisoner Shri O. Romeo, (prisoner) within 15 days from the receipt of this order. The Superintendent of Manipur Central Jail is further directed to report to the Chief Judicial Magistrate, Central for due compliance of this order. In case, medical treatment be not proved to him, the Chief Judicial Magistrate Central, is directed to release him on bail, subject to execute of bond of Rs. 5,000/- with two sureties in the like amount of the satisfaction of the learned Chief Judicial Magistrate, Manipur, Central, to enable him to have medical treatment at his own cost. Hard copy of this order to the Secretary (Home), Government of Manipur and the Superintendent of Central Jail, Manipur, for Compliance.

5. The petition is disposed of accordingly.