

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE K. VINOD CHANDRAN

&

THE HONOURABLE MR. JUSTICE T. R. RAVI

FRIDAY, THE 23RD DAY OF OCTOBER 2020 / 1ST KARTHIKA, 1942

WP (Cr1.) .No.227 OF 2020

PETITIONER:

REEJA S.  
W/O MANI.G, AGED 47 YEARS,  
PUTHENVILA VEEDU, MUNDAYIL,  
VARKALA, THIRUVANANTHAPURAM DISTRICT

BY ADVS.  
SMT. BINITHA JAMES  
SMT. PRABISHA T.P.

RESPONDENTS:

- 1 THE STATION HOUSE OFFICER  
MUSEUM POLICE STATION, THIRUVANANTHAPURAM-695033
  - 2 DISTRICT MEDICAL OFFICER  
DMO OFFICE, GENERAL HOSPITAL, THIRUVANANTHAPURAM-695033
  - 3 THE ADMINISTRATOR,  
S.K. HOSPITAL, EDAPAZHANJI, THIRUVANANTHAPURAM-695006
- R1-2 SENIOR GOVERNMENT PLEADER SRI.K.B.RAMANAND  
R3 BY ADV. SRI.V.KRISHNA MENON

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON  
23.10.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

**(Dated this the 23<sup>rd</sup> day of October, 2020)**

**Vinod Chandran, J.**

The petitioner, an aggrieved mother is before this Court seeking discharge of her son from the hospital. The contention of the petitioner is that because of the alleged dues to the hospital, the hospital is refusing to discharge her son. We specifically directed the Station House Officer accompanied by a Medical Doctor to visit the hospital and to file a report on the condition of the son of the petitioner.

2. Today, the learned Government Pleader has placed before us a statement of facts. We accept the copy of the statement produced before us, to the files of this case and mark it as Annexure C1 Court Exhibit. From the report it is seen that the Medical Doctor has reported that the son of the petitioner was ready for discharge even in July 2020. There are allegations and counter allegations as to how the retention of the patient was continued after that. The petitioner alleges that it was on the insistence of payment of bill by the respondent. Respondent however submits that though discharge was made, the

petitioner insisted that they will continue till the payment is made.

3. We also see a complaint filed by the respondent before the Police as Ext.R3(B). We find it difficult to swallow the version of the respondent especially since the complaint is filed before the Police on the claim of return of money which the Police is not entitled to proceed with. The report of the Station House Officer, has specifically quoted the Medical Officer accompanying him (Dr.Divya Sebastian, District Reproductive Child Health Officer, Thiruvananthapuram) as having opined that the petitioner's son can be discharged and he does not require any further in-patient treatment. The respondent also has submitted that he was discharged as early as on 08.07.2020. In such circumstances, we are of the opinion that the respondent would have to be left to remedy of recovery by means recognized by law, but however, only for amounts due, till the date of discharge, i.e., on 08.07.2020. We say this specifically because the version of the respondent hospital that despite discharge the petitioner and her son failed to vacate the room cannot be believed. There is also no such contention raised in the complaint before the Police. The discharge will be made

immediately and the petitioner will be allowed to take her son home.

Writ petition (Crl.) would stand disposed of.

Sd/-

**K. VINOD CHANDRAN  
JUDGE**

Sd/-

**T.R. RAVI  
JUDGE**

**PETITIONER'S/S EXHIBITS:**

**EXHIBIT P1** TRUE COPY OF THE REPRESENTATION OF THE  
PETITIONER DATED 01.10.2020.

**RESPONDENT'S/S EXHIBITS:**

**EXHIBIT R3(a)** TRUE COPY OF THE DISCHARGE SUMMARY  
PREPARED ON 08/07/2020 THAT WAS TO BE  
ISSUED TO THE PATIENT.

**EXHIBIT R3(b)** TRUE COPY OF THE OF THE COMPLAINT DATED  
13/08/2020 SUBMITTED BEFORE THE POLICE.