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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 07.08.2026

Pronounced on : 24.08.2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

WP CrI. No. 552 of 2026

AND

WPMP CRL. NO. 169 OF 2026

Sugan
S/o.Periyasamy,
No. P2/62, Tsunami Quarters,
Periyakalapet, Puducherry.

..Petitioner(s)

Vs

1. The Chief Secretary cum Home Secretary
Government of Puducherry,
Puducherry.
2. The Directorate General of Police
Government of Puducherry,
Puducherry.
3. The Inspector General of Prisons
Government of Puducherry,
Puducherry.
4. Senior Superintendent of Police for Prisons
Government of Puducherry,
Puducherry.
5. Superintendent of Police Prisons
Government of Puducherry,
Puducherry.
6. Superintendent of Police
Special Task Force,
Government of Puducherry,



Puducherry.

7. Superintendent of Police (North)
Government of Puducherry,
Puducherry.

8. Inspector of Police
Muthialpet Police Station
Puducherry.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the Enquiry Report in No.2406/SPN/GR/2024 from the file of the 7th Respondent, dated 27.08.2024, and quash the same and further to appoint any Independent Authority to conduct a free, fair and independent Enquiry on the Complaint dated 22.04.2024 and to provide Victim Compensation for the Petitioner and further restraint the 2nd Respondent from making Jurisdictional Overreach into the Prison administration.

For Petitioner(s): Mr.V.Balamurugan
for Mr.P.Muthukumarasamy

For Respondent(s): Mr.M.V.Ramachandra Murthy,
Public Prosecutor (Puducherry)
Assisted by
Mr.A.Alexander,
Government Advocate

ORDER

Per : Dr.Anita Sumanth, J.

The prayer in this writ petition is for a quash of enquiry report dated 27.08.2024 issued by the Superintendent of Police (North), Puducherry. Petitioner further seeks appointment of an independent authority to conduct a



free, fair and independent enquiry on complaint dated 22.04.2024, apart from providing victim compensation and restraining the second respondent, the Director General of Police, from intruding into prison administration.

2. The genesis of the matter is an inspection in the Central Prison, Kalapet on 17.04.2024 by police officers. According to the petitioner, he had been taken illegal custody of, and detained in another secluded prison. He alleges extreme physical assault, custodial torture and violence.

3. The matter was taken up by the Principal District and Sessions Judge, Puducherry, who had visited the Central Prison. He had ordered the authorities to provide medical assistance to the petitioner and the family of the petitioner was informed of the incident. This paved the way for a complaint to be filed by the petitioner's wife on 22.04.2024 and the District Judge, Puducherry took the matter up and directed that an enquiry be caused.

4. The petitioner moved W.P.No. 17696 of 2025 seeking the conduct of a detailed enquiry on the complaint, in the course of which, the respondents, produced the enquiry report before the Court. On receiving the same, the writ petition had been dismissed as infructuous, granting liberty to the petitioner to work out his remedies, if aggrieved by the report.

5. Mr.V.Balamurugan, learned counsel appearing for petitioner, would submit that the prison visit on 17.04.2024 was by police officers, who have no right of entry to the prison without specific reason and authorisation. For this purpose, he draws attention to the relevant rules of the Puducherry Prison Rules,



2021 (in short, 'Rules').

6. According to him, Rule 30 dealing with '*Admissions of Police Officers and the interrogation of prisoners by them*' permits only a police officer authorized to investigate a cognizable offence to enter the prison and that too, between unlocking in the morning and lockup in the evening. The permission to interview a prisoner ought to be only in the presence of a responsible police officer, not below the rank of the Assistant Superintendent.

7. In the present case, no cognizable offence had been made out by the authorities, in the absence of which, the visit of the police official, apparently to conduct an investigation, is rendered contrary to the Rules and bad in law. He relies on a decision passed in *Kanchana v The State, Represented by the Director General of Prison, Egmore, Chennai and others*¹.

8. Per contra, Mr.M.V.Ramachandra Murthy, learned Public Prosecutor appearing for the respondents, would take us in detail through the trajectory that this matter has taken. He would submit that the petitioner is a history-sheeter and has been implicated in the commission of various offences. The inspection was itself triggered by information received by the Senior Superintendent of Police (Law and Order), Puducherry, who had received intelligence reports that certain prisoners lodged in Central Prison, Kalapet, though within the prison, were using mobile phones to contact individuals outside the prison and intimidate them with a view to influencing the casting of their votes in favour of

¹ HCP No. 574 of 2013 dated 8.9.2014



certain political parties during 2024 Lok Sabha Elections. It is having regard to those allegations that necessary orders had been obtained and a team constituted to initiate a search operation.

9. The counter is candid enough to state that that search did not reveal any mobile phones or contraband items and petitioner would thus cite this as a reason in support of the challenge to the search itself.

10. Learned PP would counter, submitting that there was nothing untoward in the conduct of the search as it was based on legitimate information that they had received. The non-yielding of any incriminating material cannot be a reason to disavow the search itself as it was based on credible intelligence. In this view of the matter, he would submit that there is no merit in the writ petition and the same must be dismissed.

11. We have heard both learned counsel.

12. The gravamen of the petitioner's case is Rule 30 of the Prison Rules, extracted below:-

30. Admission of Police Officers and the interrogation of prisoners by them.- (1) Any Police Officer authorized to investigate a cognizable offence committed in the prison shall, for any purpose connected with the discharge of his duty as such Police Officer, be permitted to enter the prison at any time between unlocking in the morning and lock up in the evening. Such Police Officer shall be allowed full facilities to interview prisoners but, only in the presence of a responsible Prison Officer not below the rank of Assistant Superintendent.

(2) Any Police Officer who is in uniform and who produces a written authority from the Collector or Senior Superintendent of Police of the District for the purpose, shall be permitted to enter the prison for the purpose of recognizing old



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offenders or for conducting operations for the identification of prisoners or for interviewing any prisoners during working hours on any week day provided that such visits shall not be allowed to interfere with the labour or routine of the prison. The identification or interview shall take place in the presence of a responsible officer not below the rank of Assistant Superintendent, who shall, if required to do so, keep at such a distance that he may or hear the conversation that takes place.

(3) Any Police Officer not below the rank of Inspector of Police who is in uniform and who produces a written authority from the Collector or SSP of the District, shall be permitted to interview any remand or convicted prisoner in the prison during working hours on any week day for the purpose of examining the prisoner in a departmental enquiry as a defence witness, in the presence of a Judicial Magistrate.

13. The petitioner would read Rule 30 (1) to state that the visit by a police officer from outside prison should be only for the purpose of investigating ‘a cognizable offence committed in the prison’. Thus, he would argue that as no FIR had been lodged, there was no commission of cognizable offence and hence the visit by the police officers was contrary to Rule 30.

14. The offences alleged in this case relate to criminal intimidation, an IPC offence, and possession and use of mobile phone in the jail premises, a prison offence. Incidentally, there was some discussion on whether offence under Section 506, criminal intimidation, was cognizable.

15. We note that, by virtue of Section 10 of the Criminal Law Amendment Act, 1932 and Notification S.O. 531 dated 7.2.1967 issued by the Ministry of Home Affairs, New Delhi, Government of India, the Lieutenant Governor of Puducherry had issued G.O.Ms.No. 68 (Home)/I dated 11.08.1970 to the effect that offences punishable under Sections 188, 506 or 507 of IPC if



committed in any part of the Union Territory of Puducherry, shall be treated as cognizable and any offence punishable under Sections 188 or 506 of IPC, shall be non-bailable.

16. That apart, and more fundamentally, we do not agree with the manner in which Rule 30 is sought to be read or understood. In our view, Rule 30 entitles '*any police officer authorised to investigate a cognizable offence*' to enter the prison after obtaining proper permission. Hence, what is required is that the visiting officer must be one who is empowered by law to investigate the commission of a cognizable offence.

17. In the present case, the counter sets out the composition of the three search teams and we find that it comprises of three Inspectors and Sub-Inspectors, respectively. There is no dispute on the position that the aforesaid officers are of a rank empowering them to investigate cognizable offences and hence this, in our considered view, would be sufficient compliance of Rule 30.

18. We find that the counter sets out the basis on which the inspection has taken place, being intelligence reports that mobile phones were being used by the inmates of the Central Prison to intimidate individuals outside in the casting of their votes, and such interference would stand in the way of a free and fair election. Hence, we find nothing perverse even in the subjective satisfaction forming the basis of initiation of search and investigation.

19. We have perused the enquiry report issued by the Chief Judge, Puducherry and his conclusion to the effect that, after enquiring with various



inmates of the prison, there was no custodial torture as alleged by the petitioner.

The report of the Pondicherry Institute of Medical Sciences entitled 'Intimation of accidents and injuries to police' records the condition of the appellant thus:

*A/H/O got hit by group of police at Jail
c/o pain over L side of face
O/E :-patient conscioss oriented
PR-76/min
SPO 2 – 97% @ RA
BP: 120/70 mm Hg
S/E:- CVS:- S 1 & S 2 +
RS: B/L AE +
CNS: NFND
I/E:- mild tenderness over L Side of face*

Recording the above, we close this issue.

20. In *Kanchana's* case, this Court dealt with Section 59 of the Prisons Act, 1894 and the Tamil Nadu Prison Rules. The facts in that case are that, based on secret information about the use of prohibited items in the prison, a Special Team of Jailors entered the jail premises, and found 100 gms of ganja, a prohibited article. Minor penalty, of denying interview for three months was imposed on that convict, invoking Rule 302(4) of the Tamil Nadu Prison Rules.

21. Criminal prosecution was also initiated. The grievance of that convict related to the imposition of penalty along with launch of criminal prosecution, as, according to him, it amounted to double jeopardy. Rule 300 of the Tamil Nadu Prison Rules provided that the Superintendent may, if he is of the opinion that certain adumbrated IPC offences have been established, refer the case to a Magistrate for enquiry as per the Code of Criminal Procedure.



22. Referring to the above Rule, it was argued that reference to the Magistrate for enquiry can only be in respect of the specific offences that were enumerated under Rule 300 (1) to (4), and no other.

23. That contention was negated, the Court holding that the power of a Superintendent to lodge a FIR extended in respect of those offences not enumerated in Rule 300 (1) – (4) as well, meaning that the power to initiate action would extend to all crimes committed by the convict outside the environs of the jail as well, in accordance with the procedure stipulated.

24. The Bench states, *‘if a prisoner in India counterfeits Srilankan coin, he will have to be prosecuted under Section 231 IPC, which is a cognizable and non bailable offence triable by Magistrate of I Class. Can the Superintendent merely impose upon him a penalty under Rule 302 of the Prison Rules and not inform the Police? If a conspiracy to commit theft is worked out by prisoners with the help of their accomplices outside the prison, can the Superintendent of Prison sweep it under the carpet by merely inflicting a nominal penalty under Rule 302 of the Prison Rules and not inform the police? Definitely not. The law is not intended to lead to absurd results. In this case, the prisoner is alleged to be in possession of Ganja which is a cognizable offence under the NDPS Act, for which the law should have to take its own course and neither Rule 301 of the Tamil Nadu Prison Rules nor Section 52 of the Prisons Act would come to the rescue of the prisoner’*. Thus, the prison authorities are empowered to initiate action for both prison offences and IPC offences, in line with the applicable



provisions/rules.

25. In light of the discussion as aforesaid, we see no merit in this writ petition and hence dismiss the same. Connected Miscellaneous Petition is closed.

(A.S.M, J.) (S.M, J.)
24.08.2026

Index: Yes/No

Speaking order

Neutral Citation: Yes

ssm

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3. The Inspector General of Prisons
Government of Puducherry, Puducherry.
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9. The Public Prosecutor, High Court of Madras.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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