

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P.No.1474 of 2015

Narthika

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Secretary,
Department of Home,
Fort St. George,
Chennai - 600 009.

2. The Superintendent of Police,
Central Prison,
Vellore.

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents to transfer the detenu, Koolai Nagarajan, Son of Mariappan, now confined at Central Prison, Vellore to Central Prison, Salem to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.A.N.Thambidurai
Additional Public Prosecutor

ORDER

[Order of the Court was made by S.TAMILVANAN, J.]

This Habeas Corpus Petition has been filed by the petitioner/daughter of the detenu invoking under Article 226 of Constitution of India, seeking an order to transfer the prisoner Koolai Nagarajan, son of Mariappan, now confined at Central Prison, Vellore to Central Prison, Salem.

2. The respondents have filed their counter wherein they have raised serious objections stating that if he has to transfer to Salem, which is his native district would create certain complications. As per the submission made by the learned Additional Public Prosecutor, the

prisoner has certain supporters and opposing some persons which would secondly create some complications for the prisoner and that there is no safety for the prisoner. The respondents have suggested the alternate solution that to transfer the prisoner to Central Prison, Coimbatore but the same was not accepted by the petitioner.

3. Having considered the facts and circumstances, the prisoner's claim was negatived by the respondents. On the aforesaid circumstances, it is open to the petitioner to challenge the order passed by the respondents. Without challenging the order passed by the respondents, the petitioner cannot maintain the Habeas Corpus Petition. Accordingly, this petition is dismissed as legally not sustainable.

Kal

Sd/-

Assistant Registrar (Judicial)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary,
State of Tamilnadu,
Department of Home,
Fort St. George,
Chennai - 600 009.
2. The Superintendent of Police,
Central Prison,
Vellore.
3. The Superintendent of Police,
Central Prison, Salem.
4. The Public Prosecutor,
High Court, Madras.

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KK(CO)

sd : 05/11/2015