

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.09.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P. No.1713 of 2015

Janaki

... Petitioner

-v-

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Director General of Prisons,
Egmore, Chennai-600 008.

3.The Superintendent of Prison,
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 to rescue the husband of the petitioner, the detenu Raja @ Seizing Raja, M/A, 40, son of Narayanan and consequently direct the third respondent to shift the detenu to regular block curtailing his solitary confinement.

For Petitioner : Mr.K.S.Kaviarasu

For Respondents: Mr.A.N.Thambi Durai, APP

सत्यमेव जयते
O R D E R

(Order of the Court made by S.TAMILVANAN,J.)

This petition has been filed by the petitioner/wife of the detenu Raja @ Seizing Raja, aged 40 years, son of Narayanan, to rescue his husband and to direct the third respondent to shift the detenu to regular block curtailing his solitary confinement.

2.Learned Additional Public Prosecutor drew the attention of this Court to the counter filed by the third respondent, wherein he has stated that number of cases are pending against the detenu and that he is making conspiracy with other inmates of the prison and indulging in several prison offences and that is why the restrictions were made as per Prison Manual. Learned Additional Public Prosecutor also drew the attention of this Court to para No.6 of the counter,

wherein there are specific averments about the activities of the detenu. It further reveals that the interview for three months was cancelled from 01.07.2015, as averred in para No.5 of the counter filed by the respondents.

3.Having considered the facts and circumstances of the case, we are of the view that any under trial prisoner or convicted accused is entitled to all aspects of human rights, when he is in prison, as per rules. Accordingly, the detenu should be permitted to meet his wife/the petitioner herein or any other person, as per prison manual and there should be no total restriction for three months, which is against human rights. When the counter itself the third respondent had admitted that the detenu has got medical treatment at Government Medical College Hospital, Vellore for a period of four days and he was initially provided Catheter, an urinary device at Government Medical College Hospital, Vellore, we are of the view that to meet the ends of justice, proper treatment should be provided to the detenu, if so needed to him. Merely because the fact that a person is a trial prisoner or convicted accused, medical facility should not be denied to him. Therefore, we direct the respondents to provide all medical facilities to the detenu, as per rules and also to provide visitation rights to the family members, relatives and friends, who have no bad antecedent.

4.With the above observation, this petition is closed, as nothing further remains to be considered in this petition.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

vga

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Director General of Prisons,
Egmore, Chennai-600 008.

3.The Superintendent of Prison,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1 cc to Mr.K.S.Kaviarasu, Advocate, sr.49200
bvr co, kra 18/09

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