

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
AND
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Habeas Corpus Petition Nos.2650 & 2501 of 2015

Zainab Hasrin ... Petitioner/Wife of detenue
in both HCPs
Vs.

1. The State of Tamil Nadu,
rep. by the Secretary to Government,
Home Department, Secretariat,
Chennai - 600 009.
2. The Additional Director General of Police
& Inspector General of Prison,
Egmore, Chennai - 600 008. ... Respondents in both HCPs
3. The Superintendent of Prison,
Central Prison, Trichy.
... 3rd Respondent in HCP.2650/15
and 4th Respondent in HCP.2501/15
3. The Superintendent of Prison,
Central Prison-2, Puzhal,
Chennai - 600 066.
... 3rd Respondent in H.C.P.No.2501/2015

H.C.P.No.2650 of 2015:

PETITION under Section 226 of The Constitution of India
praying for the issuance of Writ of Habeas Corpus directing the
respondents to produce the body and person of the petitioner's
husband, namely Abdullah, S/o Musthafa Kamal aged about 37
years now confined in Central Prison, Trichy before this Court
and to further direct the respondents to transfer the
petitioner's husband to any other prison and also to take
appropriate criminal and disciplinary action against the prison
warders, who had assaulted the petitioner's husband on
07.10.2015.

H.C.P.No.2501 of 2015:

PETITION under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the respondents to produce the body and person of the petitioner's husband, namely Abdullah, S/o Musthafa Kamal aged about 37 years now confined in Central Prison, Trichy before this Court and to further direct the respondents to provide proper medical treatment to the petitioner's husband.

For Petitioner : Mr.P.Pugalenth
in both Petitions

For Respondents : Mr.A.N.Thambidurai,
in both Petitions Additional Public Prosecutor

C O M M O N O R D E R
(Order of the Court was made by P.N.PRAKASH,J.)

The above Habeas Corpus Petitions are filed by the wife of the detenu, namely, Abdullah, seeking direction to the respondents to produce the body and person of the petitioner's husband, aged about 37 years now confined in Central Prison, Trichy before this Court and to transfer him to any other prison and also to take appropriate criminal and disciplinary action against the prison warders, who had assaulted the petitioner's husband. She further seeks direction in H.C.P No.2501 of 2015 to the respondents to provide proper medical treatment to the petitioner's husband.

2. It is the case of the petitioner that her husband Abdullah is a remand prisoner involved in Crime No.746 of 2014 and was lodged in Central Prison-II, Puzhal, Chennai. Thereafter he was transferred to Central Prison, Trichy, where he is alleged to have been beaten by the police officials.

3. The Superintendent of Prisons, Central Prison, Trichy has filed a counter affidavit dated 15.10.2015 denying the various allegations made by the petitioner. In the Counter affidavit, the Superintendent of Prisons, Central Prison, Trichy has stated as follows:

"2. The Superintendent of Prison, Central Prison-II Puzhal informed in his letter No.72149/R1/2015, dated:26.09.2015 as follows:-

On 25.09.2015, the RP No.83047 (Puzhal) Abdullah @ Abdul Muthalib @ Mannadi Abdulla S/o

Mustafa Kamal along with the following Remand Prisoners attacked the Jailor and some Warders at Central Prison - II, Puzhal

- 1) RP No:72149, Kaja Moideen S/o.Chinnathambi Ambalam,
- 2) RP No:86656, Munna @ Mohamed Rafiq S/o Abdul Majith,
- 3) RP No:78237, Bakrudeen @ Police Bakrudeen S/o.Sickendhar Batcha,
- 4) RP No: 78238, Mohamed Ismail @ Bama Ismail S/o. Mohamed Abdullah,
- 5) RP No: 78239, Billal Malik S/o. Syed.

.....

5) Remand Prisoner No.4113, Abdullah @ Abdul Muthalib @ Mannadi Abdulla S/o Mustafa Kamal was treated humanly and as per the provisions contained in the Tamil Nadu Prison Rules and the Prisoner was not tortured and assaulted by the Prison personnel as stated by the petitioner. He is kept in High Security Block. He is not kept in solitary confinement. There are four other remand Prisoners kept in that block along with Mannadi Abdulla. The name of the co-inmates are:-

- 1) RP No:4301, Murugan S/o.Annamalai,
- 2) RP No:4265, Manikandan S/o.Balakrishnan,
- 3) RP No:4256, Nagaraj S/o.Thangavel,
- 4) RP No:4266, Saravanan S/o.Balakrishnan

6) At the time of admission in Central Prison Trichy (26.09.2015), there was swelling and mild pain in the left foot of the above said Remand Prisoner No.4113, Abdullah @ Abdul Muthalib @ Mannadi Abdulla S/o Mustafa Kamal, is recorded in admission Register. So the proper Medical treatment has given to him by the Prison Medical Officer. As per the order of the Hon'ble High Court of Madras in reference cited above, the Remand Prisoner No.4113. Abdullah @ Abdul Muthalib @ Mannadi Abdulla S/o.Mustafa Kamal was sent to Mahatma Gandhi Memorial Government Hospital, Trichy on 07.10.2015 for medical treatment. There, he had taken treatment as out patient. The Medical Report issued by the Professor and Head of the Department of Ortho Mahatma Gandhi Memorial Government Hospital,

Trichy also submitted to the Hon'ble High Court of Madras on 12.10.2015. (Copy Enclosed)."

4. From the above statement, it appears that there was prison riot in the Central Prison - II, Puzhal in which the detenu and five others were involved in attacking the jailors and some warders. Therefore, on administrative grounds, the Additional Director General of Police (Prisons) transferred this petitioner to Central Prison, Trichy.

5. The allegation that the officials of Central Prison, Trichy has assaulted the petitioner has been denied by the Superintendent of Prisons. With regard to the request to give proper medical treatment to the detenu, the Superintendent of Prisons, Central Prison, Trichy has enclosed the Medical Report of the petitioner along with Counter affidavit, wherein it has been stated as follows:

"This is to certify that Remand Prisoner No.4113, Mannadi Abdullah S/o Mustafa Kamal (Age 37/M) is Central Prison, Trichy.

He was examined on 02.10.2015 in Central Prison, Trichy. At present his vital parameter are normal (Temp:-Normal, Pulse:-Normal (76/M), BP 120/82).

His respiratory system/cardiovascular system/abdomen are clinically normal. He was clinically stable at present."

6. From the above, it is clear that the injury sustained by the detenu is in relation to the incident that had happened in Central Prison-II, Puzhal and not in Central Prison, Trichy.

7. In the light of the above, this Court is of the view that the petitioner's request seeking transfer of the remand prisoner No.83047 does not merit consideration, since it is made only on administrative reasons. Since the detenu was given proper medical treatment and the Doctor, who treated the detenu has given a report stating that his health condition is normal, we do not find any reason to entertain H.C.P.No.2501 of 2015. Accordingly, both the Habeas Corpus Petitions stand dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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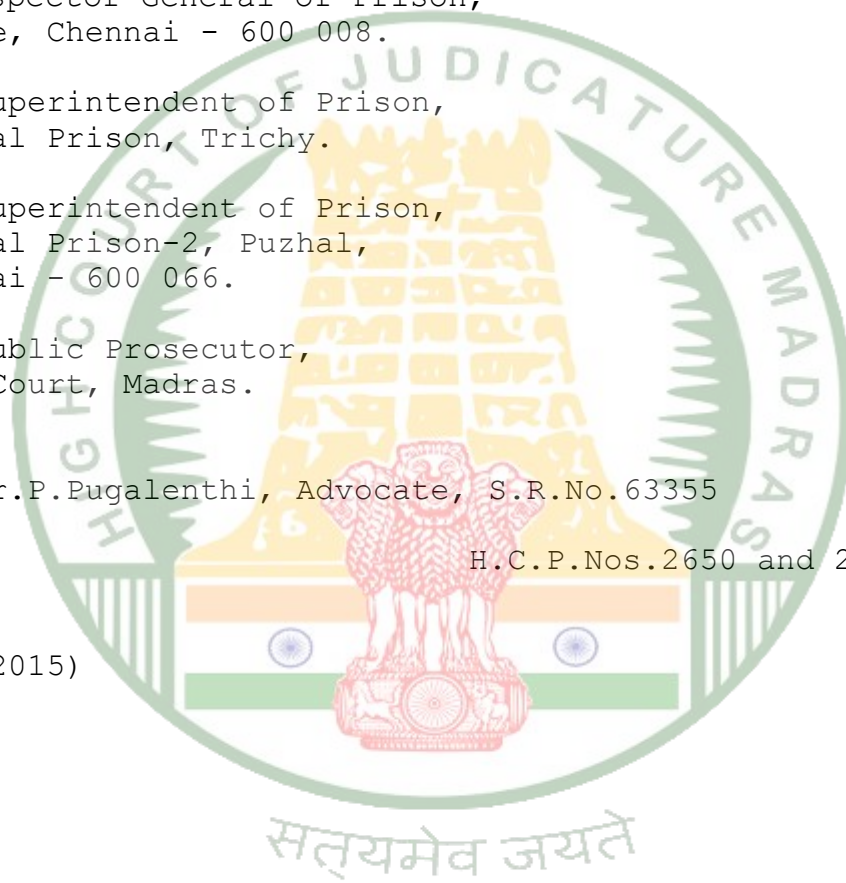
To

1. The State of Tamil Nadu,
rep. by the Secretary to Government,
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2. The Additional Director General of Police
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Egmore, Chennai - 600 008.
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4. The Superintendent of Prison,
Central Prison-2, Puzhal,
Chennai - 600 066.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Pugalenth, Advocate, S.R.No.63355

H.C.P.Nos.2650 and 2501 of 2015

PUR(CO)
CA(15/12/2015)



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