

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND

THE HONOURABLE MS.JUSTICE K.B.K.VASUKI

H.C.P.No.557 of 2015

K.Banumathi

... Petitioner

Vs

1. The Inspector General of Prison,
Government of Puducherry
Jail Department, Puducherry.
2. The Chief Superintendent of Jails
Government of Puducherry
Jail Department, Puducherry
3. The Superintendent of Central Prison,
Puducherry (Union Territory of Puducherry),
Puducherry.

... Respondents

Prayer:- This Habeas Corpus Petition is filed under Article 226 of the Constitution of India to direct the respondents not to put the petitioner husband, Karuna @ Manokaran, S/o Subramani Aged about 48 years in solitary confinement and direct the respondents to put the petitioner husband in common cell like other prison, who is confined in central prison Puducherry.

For Petitioner : Mr.R.C.Paul Kanagaraj
for Mr.M.K.Raja

For Respondents : Mr.M.R.Thangavelu
Govt. Advocate (Pondy)

ORDER

This Habeas Corpus Petition is filed to direct the respondents not to put the petitioner's husband, Karuna @ Manokaran S/o Subramani, aged about 48 years, in solitary confinement and direct the respondents to put the petitioner's husband, in common cell like other prisoners, who is confined in Central Prison, Puducherry.

2. Heard, the learned counsel appearing for the petitioner and the learned Government Advocate (Pondy) and perused the materials placed on record.

3. A counter affidavit, dated 16.03.2015, has been filed by the second respondent, and in paragraph No.8 in page No.3, it is stated as follows:

"8. In this regard, it is submitted that on the directions of the Hon'ble Chief Judicial Magistrate, Puducherry, the petitioner husband and another one prisoner were detained in one room. Subsequently, the petitioner has obtained orders from this Hon'ble Court to detain him separately without putting with any other prisoner in HCP.No.2047 of 2014. In pursuance of the orders of this Hon'ble Court he has been confined in a separate room with all facilities and he has never been put in a solitary confinement in any manner as alleged by the petitioner. In furtherance to the above, it is submitted that the petitioner's husband has been working in the garden of the prison on both sessions the petitioner's husband has been often taken to the Puducherry Court extensively travelling for more than 40 kms. in a day to attend the court at regular interval, thereby he is spending half a day outside the Jail and half a day inside the Jail working in the garden on the day of the Court. During working hours, he is working along with other convict prisoner namely Sankar @ Jayasankar, S/o Mani and other life Mani @ Murder Manikandan, S/o Sugunaraj, his health is in good condition and proper medical facilities are extended to him and regularly monitored by the Jail Medical Officer and he is behaving normally with others."

4. The statement made in paragraph No.8 in page No.3 of the counter filed by the second respondent, for himself and on behalf of the other respondents, is recorded. In view of the said statement made by the second respondent in the counter affidavit, no further order is warranted. Hence, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Inspector General of Prison,
Government of Puducherry
Jail Department, Puducherry.
2. The Chief Superintendent of Jails
Government of Puducherry
Jail Department, Puducherry
3. The Superintendent of Central Prison,
Puducherry (Union Territory of Puducherry),
Puducherry.
4. The Public Prosecutor,
Puducherry.

+1cc to Mr.M.K.Raja, Advocate, S.R.No.17666

H.C.P.No.557 of 2015

KK(CO)
CA(15/04/2015)



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