

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.12.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.1189 of 2015

Manivannan @ Ruban @ Subash
S/o.Mahalingam

.. Petitioner

Vs.

1.The Intelligence Officer,
Directorate of Revenue Intelligence,
No.25, Gopalakrishna Road,
T.Nagar, Chennai - 600 017.

2.The Jail Superintendent,
Central Prison II,
Puzhal, Chennai.

.. Respondents

Criminal Revision filed under section 397 and 401 Cr.P.C. against the order of learned Special Judge, I Additional Special Court under NDPS Act, Chennai, passed in Crl.M.P.No.2202 of 2014 on 13.04.2015 and to direct the second respondent/jail authority to provide special class facilities to the petitioner/A5 in C.C.No.42 of 2012 pending trial.

For Petitioner : Mr.O.Raman

For Respondents : Mr.N.P.Kumar,
Special Public Prosecutor
(DRI) [R1]
Mr.C.Iyyapparaj,
Government Advocate [Crl.side] [R2]

O R D E R

This revision arises against the order of learned Special Judge, I Additional Special Court under NDPS Act, Chennai, passed in Crl.M.P.No.2202 of 2014 on 13.04.2015 and seeks a direction to second respondent/jail authority to provide special class facilities to the petitioner/A5 in C.C.No.42 of 2012 pending trial.

2. Learned counsel for petitioner submits that the petitioner is a foreign national, holding a Srilankan passport and is a person accustomed to a superior mode of living and is thus eligible for special class facilities in keeping with Section 815 of the Tamil Nadu Prison Manual.

3. Heard learned Special Public Prosecutor (DRI) for first respondent and learned Government Advocate [Crl.side] for second respondent on the above submissions.

4. Though there is no presumption that as a foreign national the petitioner would have enjoyed a superior mode of living, there also can be no presumption to the contrary. In the circumstance, this Court is inclined to allow this revision.

This Criminal Revision is allowed. The order of learned Special Judge, I Additional Special Court under NDPS Act, Chennai, passed in Crl.M.P.No.2202 of 2014 on 13.04.2015 is set aside. The second respondent/jail authority is directed to provide special class facilities to the petitioner/A5 in keeping with Section 815 of the Tamil Nadu Prison Manual, pending trial in C.C.No.42 of 2012 on the file of learned Special Judge, I Additional Special Court under NDPS Act, Chennai.

gm

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Special Judge,
I Additional Special Court under NDPS Act, Chennai.
- 2.The Intelligence Officer,
Directorate of Revenue Intelligence,
No.25, Gopalakrishna Road,
T.Nagar, Chennai - 600 017.
- 3.The Jail Superintendent,
Central Prison II, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.O.Raman, Advocate Sr 65659.

EV/CO

KR/17/12

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