

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM :

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P.No.35781 of 2015

and

M.P.No.1 of 2015

S.Rajam ... Petitioner

Vs.

- 1.The State rep. by
The Additional Director General of Prison,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai-8.
- 2.The Superintendent of Central Prison,
Central Prison-I,
Puzhal, Chennai-66.
- 3.The Superintendent of Central Prison,
Central Prison, Vellore. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to consider and pass orders on the petitioner's representation dated 29.09.2015 seeking to retain the life convict A.Suresh S/o.Annamalai, Convict No.1055 in the 2nd respondent prison.

For Petitioner : Mr.G.Jeremiah
For Respondents : Mr.C.Emalias, APP

ORDER

This writ petition has been filed by the petitioner praying for issuance of a writ of mandamus directing the 1st respondent to consider and pass orders on the petitioner's representation dated 29.09.2015 seeking to retain the life convict A.Suresh S/o.Annamalai, Convict No.1055 in the 2nd respondent prison.

2. In the affidavit filed in support of this petition, it is stated by the petitioner that the petitioner is the wife of live convict one A.Suresh. The petitioner's husband Suresh was convicted and sentenced to undergo life imprisonment for the offence under Section 302 IPC by the learned Additional Sessions Judge (FTC-III), Chennai, by judgment dated 17.09.2003 in S.C.No.285 of 2001. On appeal, the judgment of the trial Court was confirmed by this Court by judgment dated 17.07.2006 in C.A.No.1879 of 2003. Pursuant to the conviction, the petitioner's husband was originally confined in the Puzhal Prison, subsequently he was transferred to the Vellore Prison on the basis of a complaint made against him in the prison. For the past two years, the conduct of the petitioner's husband in the Vellore Prison is satisfactory as certified by the 3rd respondent in his proceedings dated 18.05.2015. While so, the petitioner's husband made a request to the 1st respondent to transfer him to the Puzhal Prison and subsequently, he was transferred to the Puzhal Prison for six months on temporary basis and the said six months period is going to be expired on 25.11.2015. Now, there is every likelihood to transfer the petitioner's husband to the Vellore prison. It is further stated by the petitioner that the petitioner is residing with her three children and aged mother-in-law at Chennai and she is experiencing hardship and difficulty physically, mentally and financially, in travelling all the way to Vellore in order to visit the petitioner's husband. Hence, the petitioner has made a representation on 29.09.2015 to the 1st respondent requesting to retransfer and permanently keep the petitioner's husband in Puzhal Prison, on sympathetic ground. But, the said representation was not considered and it is still pending with the 1st respondent. Hence, the petitioner has come forward with the present writ petition before this Court.

3. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent.

4. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the claim of the petitioner, this Court directs the 1st respondent to consider the representation of the petitioner dated 29.9.2015 and to dispose of the same, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is ordered accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssv

To

1. The Additional Director General of Prison,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai-8.
2. The Superintendent of Central Prison,
Central Prison-I,
Puzhal, Chennai-66.
3. The Superintendent of Central Prison,
Central Prison, Vellore.

+1 cc to Mr.G.Jeremiah, Advocate sr.61642
+1 cc to the Government Pleader sr.61771

सत्यमेव जयते

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and
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