

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

HABEAS CORPUS PETITION NO.3205 OF 2015

C.Mekala

.... Petitioner

Vs.

1.The Secretary to Government of
Tamil Nadu
Home Department
Fort St.George, Secretariat
Chennai 600 009.

2.The Additional Director General
of Police (Prison)
Thalamuthu Natarajan Building
Gandhi Erwin Road
Egmore, Chennai 600 008.

3.The Superintendent of Prison
Central Prison, Coimbatore.

4.Inspector of Police
Ammappettai Police Station
Salem District
(Crime No.521 of 1994)

.... Respondents

PETITION under Section 226 of The Constitution of India
praying for the issuance of Writ of Habeas Corpus directing the
respondents herein to produce the body of the petitioner's
brother Ravikumar, S/o M.Ramu (Conviction No.74003) aged 41
years, now confined in 3rd respondent prison in connection with
the judgment passed in C.A.No.999/1997, dated 11.11.2002 on the
file of this Court.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.A.N.Thambidurai
Addl. Public Prosecutor

O R D E R

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

The petitioner's brother Ravikumar, S/o M.Ramu has been convicted for offences under Sections 449, 393 r/w 398, 326 and 307 IPC and the maximum sentence imposed upon him is imprisonment for life.

2. Now the petitioner has come up with this petition alleging, that Ravikumar was not given the benefit of Borstal School Act. In our considered view, under Section 8 of the Act, it is the discretion of the trial Court to either sentence him to imprisonment or in lieu of the same, order him to be detained in Borstal School. This being the discretion, we do not find any reason to find fault with the decision of the trial Court in this case. Accordingly, this Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government of
Tamil Nadu
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Fort St.George, Secretariat
Chennai 600 009.

2.The Additional Director General
of Police (Prison)
Thalamuthu Natarajan Building
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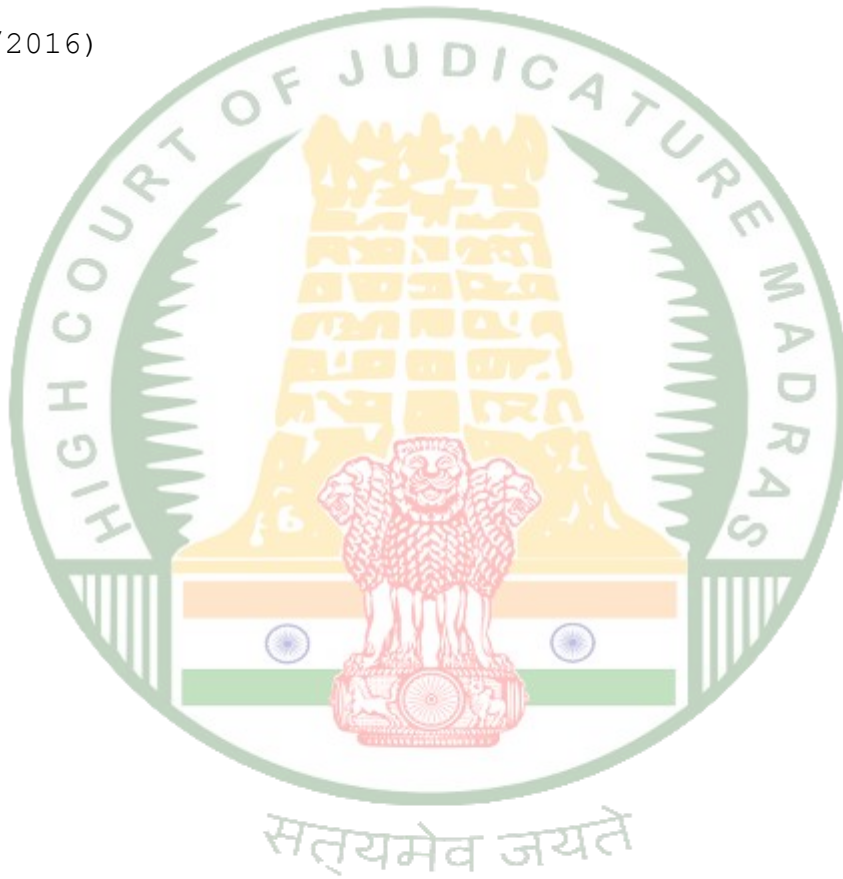
3.The Superintendent of Prison
Central Prison,
Coimbatore.

4. Inspector of Police
Ammapettai Police Station
Salem District

5. The Public Prosecutor,
High Court, Madras.

H.C.P.No.3205 of 2015

rsy(CO)
srg(18/02/2016)



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