

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2016

CORAM

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

Habeas Corpus Petition No.719 of 2014

Prasanth

... Petitioner

Vs.

1.The State of Tamil Nadu
rep by its Secretary
Department of Home
Fort St.George
Chennai 600 009.

2.The Superintendent of Central Prison
Puzhal-1
Chennai 600 066.

... Respondents

PETITION under Section 226 of The Constitution of India
praying for the issuance of Writ of Habeas Corpus directing the
respondents to produce the detenu Kali @ Kalyanasundaram, S/o
Munusamy, CT No.4001, now confined at Central Prison, Puzhal-1,
Chennai 600 066 before this Court and set him at liberty.

For Petitioner : Mr.R.Sankarasubbu

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

O R D E R

(Order of the Court was made by P.N.PRAKASH,J.)

This Habeas Corpus Petition has been filed by the petitioner
seeking a direction to the respondents to produce the detenu
Kali @ Kalyanasundaram, S/o Munusamy, CT No.4001, now confined
at Central Prison, Puzhal-1, Chennai 600 066 before this Court
and set him at liberty.

2. It is the case of the petitioner that his father Kali @
Kalyanasundaram [CT No.4001] is a life convict and is
undergoing life imprisonment, he having been convicted in

S.C.No.33 of 1989 on 28.04.1989 by the learned I Additional Sessions Judge, Chennai and that he is not considered for premature release in terms of G.O.(Ms).No.1155, Home (Prison-IV) Department, dated 11.09.2008. In paragraph 14 of the counter it is stated as follows:

"14. With regard to the averements made in paragraph (5) of the affidavit, it is submitted that the petition dated 17.02.2014 was received from the 1st respondent on 15.04.2014. Proper reply was sent to the petitioner by the Additional Director General of Police/Inspector General of Prisons vide memo No.12846/PS1/2014, dated 25.04.2014."

3. Mr.R.Sankarasubbu, learned counsel for the petitioner submitted that the said communication has not been served on the prisoner, but it is denied by the learned Additional Public Prosecutor, on instructions from the jail officials.

4. Be that as it may, we are of the opinion that, no harm will befall if the second respondent is directed to once again furnish a copy of the communication dated 25.04.2014 to Mr.R.Sankarasubbu, learned counsel for the petitioner and to the prisoner through the prison authorities, so that they can work out their remedies in the manner known to law.

With the above direction, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

gms
To

Sub Assistant Registrar

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

2.The Superintendent of Central Prison
Puzhal-1,Chennai 600 066.

3.The Public Prosecutor,
High Court, Madras.

H.C.P.No.719 of 2014

SAI (CO)
CA(11/02/2016)