

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.28623 of 2011

Prisoners Rights Forum,
Rep. By its Director, P.Pugalenthii.

... Petitioner

-Vs-

1. State of Tamil Nadu,
Rep. By the Secretary to Govt.,
Home Department, Secretariat,
Chennai 600 009.
2. The Additional Director General
of Prisons,
Chennai-8.
3. The Superintendent of Prisons,
Central Prison II, Puzhal,
Chennai-66.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to initiate appropriate disciplinary and criminal action against the concerned prison officials responsible for the torture and inhuman treatment of 3 under trial prisoners viz. Hari Prathapan, Jeyaseelan and Mohammed Riaz on 04.12.2011 and their continued solitary confinement in Central Prison II, Puzhal, Chennai.

For Petitioner : No appearance

For Respondents : Mr.S.T.S.Murthi,
Government Pleader, assisted by
Mr.V.R.Kamalanathan,
Additional Government Pleader

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petition categorised as a public interest litigation has been filed against the State Government, Additional Director General of Prisons and Superintendent of Prisons by the petitioner claiming to be a Rights Forum represented through its Director. The allegation is that three under-trial prisoners under the Government were made to kneel down for hours together before other inmates and were kept in a solitary confinement. One of the prisoners was stated to be suffering from back pain as a result thereof, which is alleged to have been corroborated by two other prisoners. The incident of solitary confinement is stated to be since 04.12.2011.

2.A detailed counter-affidavit has been filed by the respondents.

3.We may note that the Director of the petitioner is stated to be a practising advocate, who has been twice remanded to prison himself. Not only that he is stated to be a regular visitor to the prison for professional work and from September, 2011 to December, 2011, visited 15 times the prison interviewing 28 prisoners and thereafter gave wide publicity to the press in that process. What is being stated in the counter-affidavit is that the petitioner is only indulging in false propaganda demoralising the staff.

4.The allegations in the writ petition have been met by specifically denying any solitary confinement or other incidents as alleged. The correct position is stated to be that the three prisoners are alleged to be drug peddlers and have history of escape from custody with the result that they have to provide strong escort. Not only that they indulged in illegal activities even in the prison and recoveries of cell phone and accessories have been made from them.

5.In respect of the incident on 04.12.2011, it is stated that Haripradaban was searched after visiting the prison hospital and was found in possession of 50 grams of Ganja in 14 plastic packets. The sourcing of the same was then enquired into which was from another remand prisoner, Jeyaseelan. Further recovery was made from him of phone and other items as also from the third prisoner. It is, thus, stated that since they were apprehended and caught indulged in illegal activities in the prison, the petition is only a ruse to get out of the consequences.

6.We have taken note of the stand of the respondents which is not rebutted by any rejoinder. We do believe that this petition is clearly an abuse of process of Court with the object of pressurising the prison authorities and it is, accordingly, dismissed with caution to the petitioner not indulged in such conducts. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar
sra

To

1. The Secretary to Govt. of Tamil Nadu,
Home Department, Secretariat,
Chennai 600 009.
2. The Additional Director General
of Prisons,
Chennai-8.
3. The Superintendent of Prisons,
Central Prison II, Puzhal,
Chennai-66.

+1cc to the Government Pleader, S.R.No.42066

W.P.No.28623 of 2011

LRS (CO)
CA(09/08/2016)

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