

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.7.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.1436 of 2016

Siva @ Sivaraj @ Shanker

..Petitioner

Vs

1. The State of Tamil Nadu,
rep. by its Secretary,
Home Department,
Secretariat,
Chennai-9.

2. The Inspector General of Prisons,
Whannels Road, Egmore,
Chennai-8.

3. The Superintendent,
Central Prison,
Tiruchirapalli.

4. The Superintendent,
Central Prison,
Cuddalore.

.. Respondents

Prayer: Petition filed under Article 226 of the
Constitution of India, praying to issue a WRIT OF HABEAS CORPUS
directing the respondents herein to transfer the petitioner Siva
@ Sivaraj @ Shanker from Central Prison, Tiruchirapalli to the
Central Prison at Cuddalore.

For Petitioner : Mr. Philip Ravindran

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

ORDER

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

The petitioner is a life convict. He was convicted by the
learned Additional Sessions Judge, Gobichettipalayam in
S.C.No.65 of 2006. The appeal filed by him before this Court
was dismissed on 05.09.2008. Now, he is undergoing imprisonment
in Central Prison, Tiruchirapalli. The petitioner has now come

up with this petition seeking a direction for transferring him and to lodge him in Central Prison, Cuddalore.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State. We have also perused the records carefully.

3. The relief sought for by the petitioner in this petition will not fall within the Habeas Corpus jurisdiction of this Court. The relief could be worked out elsewhere before some other forum. In the Habeas Corpus Petition jurisdiction, we are concerned only with the illegal custody of an individual so as to set him at liberty. Here, in this case, the detention of the person in Central Prison, Tiruchirapalli is not illegal and therefore, we cannot entertain the Habeas Corpus Petition.

4. In the result, this Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Home Department, Secretariat, Chennai-9.

2. The Inspector General of Prisons,
Whannels Road, Egmore, Chennai-8.

3. The Superintendent,
Central Prison, Tiruchirapalli.

4. The Superintendent,
Central Prison, Cuddalore.

5. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr. Philip Ravindran, Advocate sr.40358

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VS(CO)
Eu 27.7.16