

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.7.2016

CORAM

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

H.C.P.No.1544 of 2016

Vincent Lobo

.... Petitioner

Vs

1. The State rep, by
The Secretary to Government of TamilNadu,
Department of Home,
Chennai-600 009.

2. The A.D.G.P of Prisons,
Prison Headquarters,
CMDA Towers,
Gandhi Irwin Road,
Egmore, Chennai-600 008.

3. The Superintendent,
Central Prison,
Salem-636 007.

4. The Superintendent,
Central Prison-I,
Puzhal, Chennai-600 066.

..... Respondents

Prayer: Petition filed under Article 226 of the
Constitution of India, praying to issue a WRIT OF HABEAS CORPUS
directing the respondents to keep the Petitioner's brother
Albert Anand Lobo (38 years), O.J.C.T.No.1239, permanently at
Central Prison-I, Puzhal, Chennai.

For Petitioner : Mr.D.Mario Johnson
For Respondents : Mr.V.M.R.Rajentren
Additional Public Prosecutor

ORDER

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

The petitioner is the brother of one Albert Anand Lobo, s/o of Mathew Salvador Lobo, who is a life convict. As per the judgment of the learned IV Additional Sessions Judge, Chennai in S.C.No.27 of 1998 by Judgment dated 07.01.2002. His appeal filed in C.A.No.295 of 2002 was dismissed. He was all along lodged in Central Prison, Salem. He was transferred to Central Prison, Puzhal, Chennai on 21.6.2016 for a temporary period. Now, the petitioner has come up with this petition with a strange prayer requesting this Court to issue a direction to the respondents to keep Albert Anand Lobo permanently at Central Prison-I, Puzhal, Chennai.

2. The reason stated in the affidavit filed by the petitioner in support of the petition is that Mr. Albert Anand Lobo is suffering from Vascular disorder, Rheumatoid Arthritis, Compressed Fracture of D5, D6 Vertebra and also Tuberculosis. According to the petitioner, if he is again taken back to Central Prison, Salem, it may be detrimental to his health. Therefore, according to the petitioner, for providing him better medical treatment, he should be kept permanently in Central Prison, Puzhal, Chennai.

aged about 22 years. According to the petitioner, she is found missing from 03.06.2016. Alleging that she has been abducted by the 2nd respondent, she gave a complaint to the 1st respondent. Since she has not been traced out so far, the petitioner has come up with the present petition.

3. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

4. In our considered view, it is for the jail authorities to decide as to where the detainee is to be lodged. We cannot issued any possible direction in this regard. However, it is for the jail authorities to ensure that there is proper medical care and attention given to the detenu. We can issue direction only to that extent.

5. Thus we are unable to grant the relief as prayed for.
In the result, this Habeas Corpus Petition is dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Secretary to Government of TamilNadu,
Department of Home,
Chennai-600 009.

2. The A.D.G.P of Prisons,
Prison Headquarters,
CMDA Towers,
Gandhi Irwin Road,
Egmore, Chennai-600 008.

3. The Superintendent,
Central Prison,
Salem-636 007.

4. The Superintendent,
Central Prison-I,
Puzhal, Chennai-600 066.

5. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.D.Mario Johnson Advocate sr.43122

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