

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MR.JUSTICE T.MATHIVANAN

H.C.P.No.1635 of 2016

Arogyamary @ Shaniraj Aronisha Mary
W/o. Ponraj

...Petitioner/Detenue

Vs.

- 1.The Secretary to the Government of India
Ministry of Home Affairs
(Centre-State Division)
NDCC-II Building,
Jai Singh Road,
New Delhi - 110 001.
- 2.The State of Tamil Nadu,
Rep. By the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 3.The Superintendent of Prison,
Special Prison for Women,
Trichy - 620 008.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the respondents to produce the petitioner namely Arogyamary @ Shaniraj Aronisha Mary, W/o. Ponraj, aged about 47 years, Convict Prisoner, now confined in the Special Prison for Women, Trichy- 620 008 and set her at liberty forthwith.

For Petitioner :	Mr.P.Pugalenth
For Respondents:	Mr.S.Arockiam, CGSC for R1 Mr.V.M.R.Rajentren, Addl. Public Prosecutor for R2 & R3

ORDER

[ORDER OF THE COURT WAS MADE BY M.JAICHANDREN, J.]

Heard the learned counsel appearing on behalf of the petitioner, the learned Central Government Standing Counsel appearing on behalf of the first respondent and the learned Additional Public Prosecutor appearing for respondents 2 and 3.

2. This Habeas Corpus Petition has been filed by the petitioner, praying that this Court may be pleased to issue a direction to the respondents to produce the petitioner, namely, Arogyamary @ Shaniraj Aronisha Mary, W/o. Ponraj, aged about 47 years, who is confined in the Special Prison for Women, Trichy, as a Convict Prisoner (Ct. No.4940).

3. The petitioner has stated that she is a Citizen of India. On 12.03.2005, she had gone to Sri Lanka and she had been arrested by the Sri Lankan Narcotic Bureau Police, at Kattunayaka Air Port, Sri Lanka. She had been charged under the Poison Opium and Dangerous (Amendment) Act 13/84 and had been convicted and sentenced to life imprisonment, in Case No.216 of 2007, by Negambo High Court, Sri Lanka.

4. It has been further stated that, as per Article 8 (2) of the Indo-Sri Lankan Treaty, transfer of sentenced persons r/w Section 13(6) of the Repatriation of Prisoners Act, 2003, the petitioner had been transferred to India and lodged in the Special Prison for Women, Trichy. The life sentence passed against the petitioner, by the concerned Court in Sri Lanka, had been modified as imprisonment for 10 years and set off under Section 428 of Cr.P.C., by an order, dated 06.03.2014, passed by the first respondent. However, the first respondent had stated in the said order that the date of detention of the petitioner was 12.03.2008, instead of 12.03.2005. Hence, the petitioner had made a representation to the first respondent for modification of the date of arrest and detention, as 12.03.2005, instead of 12.03.2008. However, the said representation had not been considered by the first respondent and no order has been passed, till date.

5. In such circumstances, this Court directs the first respondent to consider the representation of the petitioner, dated 29.03.2016, and pass appropriate orders thereon, in accordance with law, based on the records available with the Ministry of Home Affairs (Centre-State Division), NDCC-II Building, Jai Singh Road, New Delhi - 110 001, as expeditiously as possible, not later than eight

weeks from the date of receipt of a copy of this order.

6. Accordingly, the Habeas Corpus Petition is disposed of with the above direction.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,
Government of India,
Ministry of Home Affairs
(Centre-State Division)
NDCC-II Building,
Jai Singh Road,
New Delhi - 110 001.
- 2.The Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 3.The Superintendent of Prison,
Special Prison for Women,
Trichy - 620 008.
4. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.S.Arockiam, CGSC Sr 73832

KR/20/12

H.C.P.No.1635 of 2016

WEB COPY