

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2016

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.7861 of 2016

S.Hari @ Harikrishnan

.. Petitioner

Vs

The State represented by

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

2.The Additional Director General of Prisons,
C.M.D.A.Towers, Egmore,
Chennai-600 008.

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

.. Respondents

Petition filed under Section 482 of the Criminal Procedure Code, to direct the respondents to keep the petitioner Hari @ Harikrishnan, OJCT No.1100, permanently at Central Prison-I, Puzhal, Chennai.

For Petitioner : Mr.Sankara Subbu
for Mr.D.Mario Johnson

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondents to keep the petitioner Hari @ Harikrishnan, OJCT No.1100, permanently at Central Prison-I, Puzhal, Chennai.

2.It is stated in the affidavit filed in support of this petition that the petitioner was convicted and sentenced to life imprisonment by the Fast Track Court-I, Chennai in S.C.No.138 of 2007 on 06.07.2007 and originally he was lodged in the Central Prison, Puzhal and subsequently transferred to the Central Prison, Salem. Thereafter, on filing of a Habeas Corpus Petition before this Court in H.C.P.No.1661 of 2015 by the mother of the petitioner to transfer the petitioner to Central Prison, Puzhal,

the respondents transferred him temporarily for six months, to Central Prison-I, Puzhal on 25.09.2015. It is further stated that the petitioner is obeying the prison rules and regulations perfectly and there is no allegation against him of committing prison offences. Since the temporary period of 6 months had elapsed, the petitioner has come up with this writ petition to retain him in the Central Prison-I, Puzhal permanently, apprehending that he will be shifted to Central Prison, Salem. It is also stated that the petitioner's mother sent representations to the respondents on 26.01.2016 to keep the petitioner permanently in the Central Prison-I, Puzhal, but there is no positive reply from them. Hence this writ petition.

3.The learned Additional Public Prosecutor filed the counter affidavit on behalf of the third respondent, in which it is stated that the petitioner was shifted back to Central Prison, Salem after completion of six months on 10.04.2016 and presently he is lodged in Central Prison, Salem. It is further stated in the counter that originally the petitioner was lodged in the Central Prison-I, Puzhal and only on his representation to the Court that there is a danger for his life in the Central Prison-I, Puzhal because of the opposite group, he was transferred to Central Prison, Vellore as per the order of the Additional Director General of Police and Inspector General of Prisons dated 02.07.2010 in Letter No.24227/PW.2/2010, and thereafter, due to administrative grounds, he was transferred to Central Prison, Salem.

4.The learned Additional Public Prosecutor further submitted that there is no allegation levelled against the petitioner in the prison.

5.The learned counsel for the petitioner submitted that if the petitioner is kept in Central Prison, Salem, his family members, who are at Chennai, will have to face great hardship in travelling and meeting him at Salem. Thus, he prayed that the petitioner has to be shifted from Central Prison, Salem to Central Prison-I, Puzhal.

6.Considering the facts and circumstances of the case, this Court deems it fit to direct the respondents to shift the petitioner who is now lodged in Central Prison, Salem to Central Prison-I, Puzhal, Chennai and keep him for a period of three months in the Central Prison-I, Puzhal, Chennai and watch his activities and thereafter, take an appropriate decision, whether to retain him at Central Prison-I, Puzhal, Chennai or to transfer him to Central Prison, Salem.

7.With the above direction, the Criminal Original Petition is disposed of.

Sd/-
Asst.Registrar (CCC)

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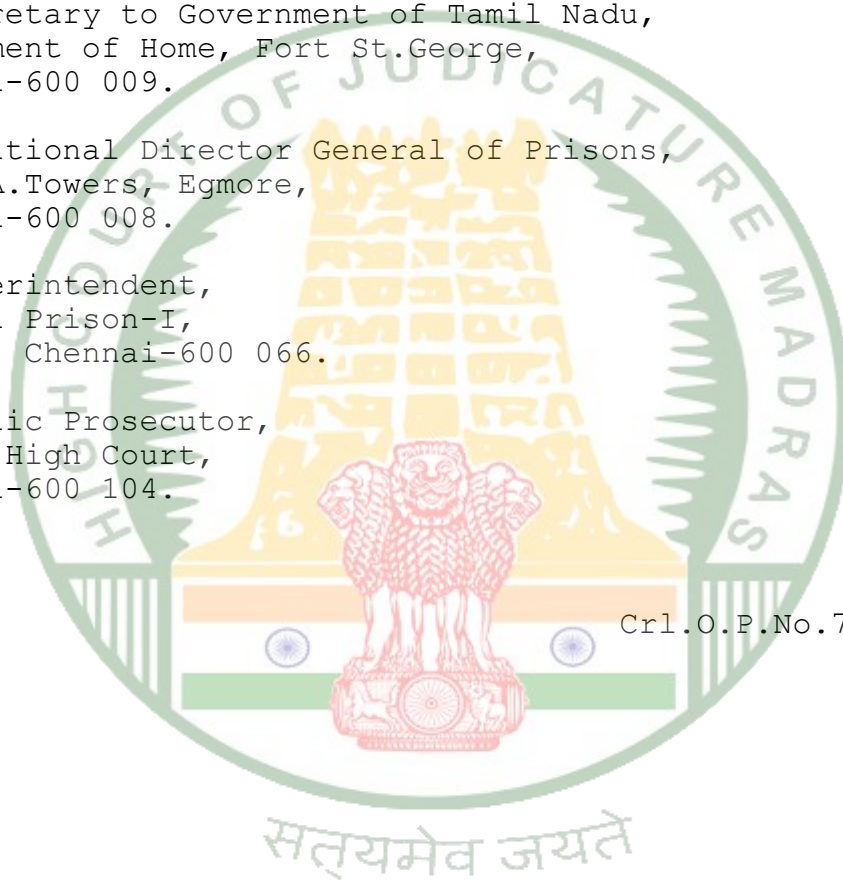
Sub Asst. Registrar

To

- 1.The Secretary to Government of Tamil Nadu,
Department of Home, Fort St.George,
Chennai-600 009.
- 2.The Additional Director General of Prisons,
C.M.D.A.Towers, Egmore,
Chennai-600 008.
- 3.The Superintendent,
Central Prison-I,
Puzhal, Chennai-600 066.
- 4.The Public Prosecutor,
Madras High Court,
Chennai-600 104.

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