



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2016

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE A.SELVAM
and
THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

H.C.P (MD) No.39 of 2016
and
Crl.M.P (MD) No.1728 of 2016

Yasmin .. Petitioner

Vs.

- 1.The State of Tamilnadu,
Represented by,
The Additional Director General of Police (Prisons)
CMDA Towers,
Egmore, Chennai.
- 2.The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore.
- 3.The Jailor, Cuddalore Central Prison,
Cuddalore.
- 4.The Inspector of Police,
Thilagarthidal Police Station,
Madurai.
[in Crime No.2490 of 1994] : Respondents

This Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus to issue a direction, directing the respondents to produce the person or body of the detenu namely Raja Hussain, aged 43 years, son of Mohamed Ali before this court and set him liberty from the Solitary Confinement forthwith and pass such further orders.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.K.S.Durai Pandian
Additional Public Prosecutor

ORDER RESERVED DT: 04.04.2016

ORDER DELIVERED DT: 12 .04.2016

ORDER

(Order of the Court was made by **G.CHOCKALINGAM, J.**)

The wife of the detenu has come before this court praying for a direction to the respondents to produce her husband viz., Raja Hussain and set him at liberty from solitary confinement.

2. According to the petitioner, her husband was implicated as an accused in connection with a case in crime No.2490 of 1994 on the file of Thilagar Thidal Police station, Madurai and subsequently, the case was transferred to CBI and the Sessions Judge for TADA cases, Tirunelveli has convicted her husband and sentenced him to undergo life imprisonment in connection with TADA Case No.1 of 1997 and he was confined in several Central Prisons in the State and now, he is confining at Cuddalore Central Prison and that her husband has been in Prison for the past 18 years and the appeal filed by her husband is pending before the Hon'ble Supreme Court.

3. It is the further case of the petitioner that four cases are pending against her husband, out of which three cases are pending at Chennai and one case at Madurai and her husband maintaining good conduct in Prison and he received nannadathai prisoner award in the year 2014 and also completed 10th standard and four wheeler mechanic diploma and catering technology diploma in Prison.

4. It is the further case of the petitioner that one Sekaran, who is now working as Jailer in the Central Prison at Cuddalore harassing her husband by several illegal ways for the reasons best known to him and that for the past four months, her husband was detained in solitary confinement by the respondents in the high security block at Cuddalore Central Prison and the respondents did not allow her husband to speak with other prisoners.

5. It is further contended by the petitioner that for the past four months, her husband had sustained two heart attacks and the Prison officials taken her husband and given treatment in Chennai Government Hospitals and if third attack comes, it will cause great prejudice to her husband and that the police officials influenced the hospital authorities for early discharge of her husband without taking necessary treatment and the Prison officials denied to provide the diet advised by the doctors and since, the respondents detained her husband under solitary confinement in Cuddalore Central Prison, she cannot able to travel more than 600 kms to interview with her husband frequently and since with her along with advocates interviewed her husband, he told that he keep alone in a big room called as thoguthi



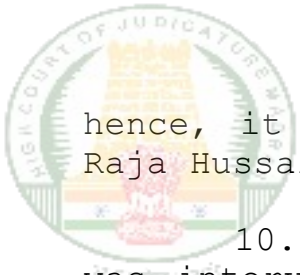
containing 16 cells, it causes physical and psychological great hardship to her husband. In this regard, the petitioner has sent representations on 30.12.2015 to the respondents, but she cannot meet her husband. Hence, this petition.

6.The learned Additional Public Prosecutor, on instructions, submitted that the petitioner's husband is a life convict prisoner, who was convicted by the District Sessions Judge, Tirunelveli in TADA Case No.1 of 1997, dated 08.09.2011 and he was sentenced him to undergo life imprisonment and to pay a fine of Rs.10,000/- and he was transferred to Central Prison No.1, Puzhal on 16.09.2011 for the pending case in Poondamalli Bomb Blast Special Court and thereafter, he was transferred to Central Prison, Vellore on administrative grounds, as per the order of the Additional Director General of Police and the Inspector General of Prison order No.27218/PW2/2015, dated 07.02.2015 and finally, he was transferred to Central Prison, Cuddalore on administrative grounds.

7.He has further stated that the petitioner's husband is facing four cases in crime Nos.381 of 1997, 581 of 1999, 820 of 2015 and 262 of 2015 and it is not correct to claim that the petitioner's husband was having good conduct in the prisons, wherever he was kept and that there is no complaint by the prisoner to the high authorities about the harassment by Thiru.N.Sekaran, Jailor of the Prison and no punishment was awarded to him by the Jailor as per his History ticket.

8.It is further submitted that there is a permanent hospital inside the Prison and two medical officers are permanently posted and para medical staff are also available to attend the emergency cases in respect of the prisoners. The petitioner's husband was given treatment at various Government Hospitals for his sickness and he has been diagnosed with coronary disease by the Joint Director of Health Services, Cuddalore and then, he was referred to Government General Hospital, Rayapettah on 13.10.2015 for further treatment and after completing the treatment, as per the medical prescriptions further medical treatment is continuing by the Prison Medical Officer, Central Prison, Cuddalore and that the quality of food provided to the prisoner is in accordance with norms of the Prison Manual and he is also provided with wheat diet (Medical diet) since 02.11.2015 based on the advise of the Prison Medical Officer and that the petitioner has sent a representation, dated 30.12.2015, which was replied on 13.01.2016.

9.It is further stated that the Petitioner's husband is kept in one of the 16 rooms earmarked for those convicts and who credible information is received about their safety. In addition to the petitioner's husband, 10 more convicts are also kept in the same block called as High Security Block and



hence, it is not correct to state that the petitioner's husband Raja Hussain is kept in solitary confinement.

10.It is further submitted that the petitioner's husband was interviewed by his relatives and friends and advocates till 15.02.2016 and hence, the contention of the petitioner that her husband is kept in a solitary confinement is not based on any evidence and is liable to be rejected in limine.

11.It is further submitted that the petitioner's husband did not make any complaint during the surprise visit by the Principal District, Cuddalore on 31.10.2015. Hence, he prayed for the dismissal of the petition.

12.On the above background pleadings, we have heard the learned counsel for the parties.

13.It is seen from the records that the petitioner's husband is a life convict Prisoner in connection with a case in S.C.No.1 of 1997 on the file of the Court of Sessions, Tirunelveli and now, he is confined in the Central Prison, Cuddalore.

14.The petitioner herein has filed a petition in CrI.M.P. (MD)No.1728 of 2016 for appointment of an Advocate Commissioner to inspect the 2nd respondent Prison and submit a report regarding solitary confinement of her husband namely Raja Hussain. Hence, this court has directed the learned Principal District Judge, Cuddalore to visit Central Prison, Cuddalore and submit a detailed report as to whether the husband of the petitioner viz., Raja Hussain has been kept in solitary confinement or in security block.

15.As per the direction of this court, the learned Principal District Judge, Cuddalore has visited the Central Prison, Cuddalore on 12.03.2016 and submitted a report, which reads as follows:-

..On administrative grounds and based upon the behaviour of the prisoners, they choose them to keep in the High Security Block. Therefore, on my enquiry it reveals that the prisoner Raja Hussain is in High security block wherein some other prisoners have also been kept. The said prisoner Raja Hussain made some allegation as against the Jail official, one Sekar and who is not presently working at Cuddalore Central Prison. Further the prisoner Raja Hussain wish to be along with other prisoners. As per the statement of prisoner Raja Hussain only after 25.02.2016, the other prisoners were kept at High security block. But on perusal of lockup Register maintained prior to the date of custody of prisoner Raja Hussain, it reveals that 3 prisoners had been kept in High Security Block and the jail



authorities used to change the number of prisoners in the High Security Block then and there. Therefore, from the statement of the prisoner Raja Hussain and other inmates and Registers maintained by the Jail authorities, they reveal that the prisoner Raja Hussain is in custody of High security block and not in solitary confinement.

16. From the reading of the above, it is clear that on administrative grounds and based upon the behaviour of the prisoners, Raja Hussain was kept in High Security Block wherein some other prisoners have also been kept. Further, as far as the allegation made by Raja Hussain against the Jailer Sekar is concerned, it is revealed from the report of the learned Principal District Judge, Cuddalore that the said Sekar is not presently working at Cuddalore Central Prison.

17. Further, it is revealed from the report of the learned Principal District Judge that he has made a local inspection and verified the lockup Register maintained by the jail authorities and held that the petitioner is in custody of the Higher Security Block and he is not confined in solitary confinement. Hence, this court is of the considered view that the case put forth on the side of the petitioner that her husband is in solitary confinement is not at all true and is liable to be rejected.

18. In the result, this petition is dismissed. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

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To,

1 The Principal District Judge, Cuddalore,

2 The Additional Director General of Police (Prisons)
CMDA Towers, Egmore, Chennai.

3 The Superintendent of Prison,
Cuddalore Central Prison, Cuddalore.

4. The Jailor, Cuddalore Central Prison,
Cuddalore.



5. The Inspector of Police, Thilagarthidal Police Station,
Madurai.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+1CC to Mr.R.Alagumani Advocate Sr.No.20884

GJM/AA1/MPA/25.4.16-6p-8C

order
made in HCP(MD)No.39 of 2016
and Cr1 MP(MD)NO.1728 of 2016
12.04.2016