

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2017

CORAM:

THE HONOURABLE MR. **JUSTICE M.S.RAMESH**

Crl.O.P.No.7605 of 2017

Kannan @ Kithiyon Alexander .. Petitioner

Vs.

1. The Superintendent of Police,
Central Prison,
Puzhal, Chennai.

2. The State rep. by
The Inspector of Police,
D2 SRMC Police Station,
Chennai

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 1st respondent to grant 'A' Class facilities to the petitioner in Puzhal Prison-I, Chennai.

For Petitioner : Mr.T.K.S. Bharathy Anandraj
For Respondents : Mr.P. Govindarajan
Additional Public Prosecutor.

ORDER

The Criminal Original Petition has been filed to direct the 1st

respondent to grant 'A' Class facility to the petitioner in Puzhal Prison-I, Chennai.

2. The petitioner made a request to the prison authorities for granting 'A' Class facilities on 30.01.2016 and the same was rejected on 10.02.2016 by the first respondent, directing him to approach the Court under Rule 226 of the Tamil Nadu Prison Rules 1983.

3. Under section 227 of the Tamil Nadu Prison Rules, 1983, on a petition from the prisoner, the Government may also action a reference from the Superintendent of the prison, who shall forward the same through the Inspector General to the Government. As such the petitioner's application dated 30.01.2016 could have been forwarded to the Inspector General under Rule 227 of the Tamil Nadu Prison Rules, 1983. There is no impediment under Rule 226 of the Tamil Nadu Prison Rules, 1983, for the Superintendent of Prison to reject the petitioner's application, seeking for 'A' Class facilities. But, on the other hand, the Superintendent of Police is empowered to forward the petitioner's application for the purpose of such classification.

4. In view of the same, the order passed by the first respondent dated 10.02.2016, rejecting the petitioner application for grant of 'A' class facilities is set aside. Consequently, the petitioner is at liberty to make a representation to the first respondent seeking for 'A' class facility and on receipt of such representation, the first respondent shall forward the same to the Government through the Inspector General and on receipt of such representation, the Government shall pass necessary and appropriate orders on merits of the representation.

5. The petitioner shall make a fresh representation to the first respondent, seeking for 'A' Class facilities and on receipt of such representation, the first respondent shall forward the representation to the Government through the Inspector General and on receipt of such representation, the Government shall pass necessary and appropriate orders on the merits of the representation made, within a period of four weeks from the date of receipt of such a representation forwarded from the Superintendent of Prisons.

M.S.RAMESH.J,

nl/ggs

6.The Criminal Original Petition stands allowed with the above terms.

02.08.2017

Index : **Yes**
Internet : **Yes**
nl/ggs

To

1. The Inspector General of Prisons,
Chennai.
2. The Superintendent of Police,
Central Prison,
Puzhal, Chennai.
3. The Inspector of Police,
D2 SRMC Police Station,
Chennai
- 4.The Public Prosecutor,
High Court, Madras.

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