

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.04.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.498 of 2017

R. Dhivya

.. Petitioner

Vs

1. The Additional Director General of Police (Prison),
CMDA Tower-2,
No.1, Irvin Road, Egmore,
Chennai - 8
 2. The Superintendent of Prisons,
Central Prison,
Trichy-620 020
 3. The Superintendent of Prisons.
Central Prison,
Puzhal,
Chennai - 600 066
- .. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus of any other appropriate writ or directing the first respondent to take immediate and necessary steps to transfer Mr.Ravishankar @ "Kalvettu" Ravi, S/o Jothinathan, aged about 35 years from the second respondent prison to the third respondent/Central Prison, Puzhal, Chennai and to provide proper protection and safety to his life.

For Petitioner : Mr.G. Saravana Kumar
for Mr. H. Imran Khan
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 wife of one Mr. Ravishankar @ Kalvettu Ravi. He is an accused, facing trial in four cases in Chennai City, out of which, three cases are tried by Court of Sessions. He has also been detained under Act 14 of 1982. Initially, he was lodged in Central Prison, Puzhal. Later on, he was transferred to Central Prison, Trichy and thus, now he is lodged in Central Prison, Trichy, from where, he was brought to Chennai to face the trial. The petitioner has come up with this habeas corpus petition, seeking re-transfer of Mr. Ravishankar @ Kalvettu Ravi from Central Prison, Trichy to Central Prison, Puzhal.

2. We have heard the learned counsel for the petitioner, learned Additional Public Prosecutor for State and perused the records carefully.

3. A perusal of the affidavit, filed in support of the petition, would show that the detenu has been transferred from Central Prison, Puzhal to Central Prison, Trichy, without assigning any valid reason. The next contention is that during transport, there is likelihood of danger to the life of the detenu.

4. The learned Additional Public Prosecutor submitted that initially the detenu was kept in Central Prison, Puzhal, from where, he was transferred to Central Prison, Vellore, then from Vellore to Palayamkottai and finally Central Prison to Trichy. He also submitted that such transfer is necessitated because of the misconduct of the detenu in prison. He further submitted that the detenu has indulged in Prison Offences. Thus, there was absolutely necessity to transfer him in order to maintain peace in prison and also in order to ensure safety to the prisoners.

5. We have considered the above submissions. It cannot be said that the authorities have got no power to transfer the prisoner from one prison to another prison for valid reason. The detenu has got no vested right to demand that he should be lodged only in a particular prison. The authorities are empowered to decide about the jail, where the detenu is to be detained. In this case, such frequent transfer of the detenu was necessitated because of his misconduct.

6. In such view of the matter, we find no reason to interfere with the decision of the authorities to lodge the detenu in Central prison, Trichy. Hence the Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

To Sub Assistant Registrar

1. The Additional Director General of Police (Prison),
CMDA Tower-2,
No.1, Irvin Road, Egmore,
Chennai - 8
2. The Superintendent of Prisons,
Central Prison,
Trichy-620 020
3. The Superintendent of Prisons.
Central Prison,
Puzhal,
Chennai - 600 066
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.H. Imbrankhan, Advocate, S.R.No.20708

ss (CO)
md(20/04/2017)

सत्यमेव जयते

H.C.P.No.498 of 2017

WEB COPY