

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.501 of 2017

P. Kaliammal

.. Petitioner

Vs

1. The State represented by
its Secretary to Government of Tamil Nadu,
Department of Home,
Chennai - 600 009
2. The A.D.G.P of Prisons,
Prison Headquarters,
CMDA Towers,
Gandhi Irwin Road,
Egmore, Chennai - 600 008
3. The Superintendent,
Central Prison-I,
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 respondents to retain the petitioner's son Sakthi @ P. Sakthivel (36 years) O.J.C.T No.1101 permanently at Central Prison-I, Puzhal, Chennai.

For Petitioner : Mr.D. Mario Johnson

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 mother of one Sakthi @ P. Sakthivel, S/o Pazhanisamy. He is a life convict, punished for the offence under Sec.302 IPC in S.C No.303 of 2004 on the file of Principal Sessions Judge, Coimbatore. Initially he was

lodged in Central Prison, Coimbatore and now he seeks transfer to Central Puzhal-I, Puzhal.

2. According to the petitioner, the convict has got lot of health problems and only for the purpose of treatment, he was brought to Central Prison, Puzhal-I, Chennai. It is further contended by the petitioner that since the treatment continues, there may be direction to the authorities to permanently lodge the detenu or convict in the Central prison, Puzhal-I, Chennai.

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

4. In our considered view, if the detenu requires medical attention, that will be taken care of by the authorities. Earlier, the petitioner filed a Habeas Corpus Petition in HCP No.915 of 2016, seeking similar direction. That petition was disposed of by this Court by Order dated 15.06.2016, wherein, in paragraphs- 2 to 4, this Court observed as follows:

"2. According to the petitioner, there is likelihood of the petitioner being taken back to the Central Prison, Coimbatore without giving medical treatment. With this grievance, the petitioner is before this Court with this Habeas Corpus Petition.

3. The learned Additional Public Prosecutor on instructions would submit that it is true that he has got a lot of ailments for which he is given proper treatment in hospital in Chennai. As of now, according to the learned Additional Public Prosecutor, there is no proposal to take him back to Central Prison, Coimbatore. He would further submit that the detenu is likely to undergo surgery soon. Only after the surgery is over and the treatment is completed and after he becomes well, he will be shifted back to Central Prison, Coimbatore.

4. The said statement is recorded. In view of the above statement, no further direction is required in this petition. Accordingly, petition is disposed of."

5. In view of the above order passed by this Court, we are not inclined to grant the relief sought for by the petitioner. In our considered view, the detenu has got no vested right to

demand that he should be lodged only in a particular prison.
Hence the Habeas Corpus Petition is dismissed.

s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government
State of Tamil Nadu,
Department of Home,
Chennai - 600 009
 2. The A.D.G.P of Prisons,
Prison Headquarters,
CMDA Towers,
Gandhi Irwin Road,
Egmore, Chennai - 600 008
 3. The Superintendent,
Central Prison-I,
Puzhal, Chennai - 600 066
 4. The Superintendent, Central Prison
Coimbatore
 5. The Joint Secretary to Govt
Public (Law & Order)
Fort.St. George
Chennai 9
 6. The Public Prosecutor,
High Court, Madras.
- +1 CC to M/s. R. Sankarasubbu, Advocate sr 20598

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SS (CO)
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