

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.6.2017

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
AND
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Habeas Corpus Petition No.604 of 2017

N.Narthika ... Petitioner/Daughter of Detenue

Vs

1. The Home Secretary,
The Government of Tamilnadu,
Fort St. George, Chennai-9.
2. The Inspector General of Prisons,
CMDA Tower-II,
Egmore, Chennai-8.
3. The Superintendent of Police,
Central Prison, Vellore.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Habeas Corpus calling for the records pertaining to the detenu Nagarajan @ ***Koola** Nagarajan Life Convict No.2330 and direct the respondents herein to transfer from the Central Prison, Vellore and confine him in the Central Prison at Salem and consider the representation dated 30.1.2017 of the petitioner.

For Petitioner : Mr.G.Mohanakirshnan

For Respondents : Mr.V.M.R.Rajentran,
Additional Public Prosecutor

ORDER

(Order of the Court was made by NOOTY.RAMAMOHANA RAO,J)

This is a writ petition instituted by the daughter of a convict by name Nagarajan (a) ***Koola** Nagarajan, who has been sentenced to undergo imprisonment for life by the First Additional Sessions Judge, Salem (Life Convict No.2330). It is also stated that he has undergone a total imprisonment of nearly 16 years duration. He is also facing trial in Cr.No.105 of 2011 on the file of the Mettur I Police Station, Salem.

2. The petitioner suspects that if the convict is moved from out of the prison at Vellore for attending to the criminal trial, there can be danger and risk to his life or limb. She, therefore, prayed that her father may be transferred to the Central Prison, Salem, so that he can locally attend the trial or if there is video conferencing facility, he may not be really required to be produced at all other times before the Court in that connection.

3. We have granted time to the learned Additional Public Prosecutor to secure instructions in the matter and upon securing the instructions, he would submit that the Probationary Officer at Omalur, Salem recommended to the Superintendent of Central Prison, Central Prison, Vellore vide communication dated 15.5.2017 to transfer the convict permanently to the Central Prison at Salem in view of the good and orderly behaviour of the convict for the past several years.

4. A copy of the said report has also been made available by the learned Additional Public Prosecutor for our perusal. We are, therefore, satisfied that a reasonably good case is made out for transfer of the convict, who is now lodged at the Central Prison, Vellore to be transferred to the Central Prison at Salem. This would also enable the family members of the convict to interact with him at regular intervals, as per the instructions contained in the Jail Manual. More importantly, it would also help to overcome the apprehensions of the family members that the risk faced by the detenu can be ruled out, if not effectively neutralized.

5. Hence, the above habeas corpus petition is ordered with a direction to the Superintendent, Central Prison, Vellore to pass appropriate orders of transfer of the detenu - life convict No.2330 lodged at Central Prison, Vellore to be transferred and lodged at the Central Prison, Salem and a copy of appropriate orders in that regard be communicated to the writ petitioner within a period of 7 days from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS II)

Dated : 12.06.2017

***Amended as per Letter dated 15.6.17
produce by the Mr.G.Mohanakrishnan,
Counsel for the Petitioner.**

Sd/-Assistant Registrar(CS VII)

Dated : 15.06.2017

//True Copy//

Sub Assistant Registrar

RS

To

1. The Home Secretary,
Government of Tamilnadu,
Fort St. George,
Chennai-9.

2. The Inspector General of Prisons,
CMDA Tower-II,
Egmore, Chennai-8.

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

4. The Public Prosecutor,
High Court, Madras.

5. The Superintendent,
Central Prison, Salem.

6. The District Collector,
Vellore.

7. The District Collector,
Salem.

+2cc's to M/s.G.Mohanakrishnan, Advocate, S.R.No.41354(14.6.17)

MSM(CO)
RS(12/06/2017)

CA(15.06.2017)

To be Substituted to the
order already despatched
On 12.06.2017

HCP.No.604 of 2017

सत्यमेव जयते
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