



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.[MD].No.1415 of 2017

and

C.M.P.(MD).Nos.8604 and 8612 of 2017

P.Alagudevi

.. Petitioner

Vs.

1.The Secretary to Government,
Home Department,
Fort St. George,
Chennai - 9.

2.The Additional Inspector of General of
Police, (Prison),
CMDA Tower II,
No.1, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.

3.The Superintendent,
Special Prison for Women,
Trichy.

.. Respondents

PRAYER: Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the 3rd respondent to produce the detenues Kala (aged 53) (R.P.No.M1) and Chandra (aged 45) (R.P.No.M2) before this Court and consequently direct the learned Principal District Judge, Trichy to hold an enquiry into the solitary confinement and harassment meted out to them and to punish the erred prison authorities.

For Petitioner : Mr.A.Jayaramachandran

For respondents : Mr.A.Ramar,
Addl. Public Prosecutor

: Ms.S.Vijayashanthi,
Advocate Commissioner

ORDER

<https://hcservices.ecourts.gov.in/hcservices> of the Court was made by R.SUBBIAH, J.]

The present Habeas Corpus Petition has been filed to direct the 3rd respondent to produce the detenu viz., Kala (aged 53)



(R.P.No.M1) and Chandra (aged 45) (R.P.No.M2) before this Court and to consequently direct the learned Principal District Judge, Trichy to hold an enquiry into the solitary confinement and harassment meted out to them and to punish the erring prison authorities.

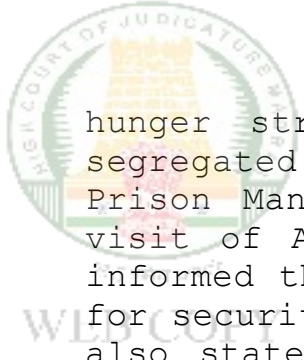
WEB COPY

2.It is stated in the petition that the petitioner's husband by name Mr.A.Murugan is a practising advocate. On 08.01.2017, the petitioner's husband was arrested by the Q branch Police in a false case in Crime No.1 of 2016 with an allegation that he assisted the outlawed Maoist Organisation and was confined at Trichy Central Prison as an under trial Prisoner. The detenu were also arrayed as co-accused in the above said case and they were also confined in Special Prison for Women, Trichy. Whenever the petitioner visited the Trichy Central Prison to meet her husband, she used to meet the detenu and the detenu told her that they are under separate solitary confinement and were ill-treated by the prison authorities in violation of the prison rules. When it was questioned, the third respondent herein has admitted in his reply that they are kept under solitary confinement for security reason. Due to continuous and constant segregation and harassment, the physical and mental condition of the detenu are affected. Apprehending imminent danger to the life and limb of the detenu, the petitioner has sent a representation dated 30.08.2017 to the respondents. As there was no response to the same, she has come up with the above petition seeking the aforesaid prayer.

3. When the matter came up for hearing on 20.09.2017, it is represented by the learned Additional Public Prosecutor that the detenu are not separated from the other prisoners and the facilities extended to the other prisoners are also extended to them. However, this Court appointed one Advocate by name Ms.S.Vijayashanthi, as an Advocate Commissioner to make a visit to the 3rd respondent / Special Prison for Women, Trichy and file a report. The Advocate Commissioner was also directed to report as to whether the detenu are housed separately and prevented from interacting with the other prisoners, and also whether the facilities provided to the other prisoners are extended to them.

4. After visiting the prison, the Advocate Commissioner filed a report on 09.10.2017 stating that the detenu are in separate solitary confinement in the high security block, due to which they are suffering from hyper tension and ulcer; their physical and mental condition are also affected; and the facilities provided to the other prisoners are not provided to them.

5.Contradicting the above statement made by the learned Advocate Commissioner, the third respondent has filed a detailed report stating that both the detenu are Maoist prisoners. They were in hunger strike on 24.04.2017 and 25.04.2017. Since they instigated the other prisoners to go on



hunger strike and for security reasons, both the detenu were segregated and isolated as per Rule 693(2) of the Tamil Nadu Prison Manual Volume II. It is further stated that during the visit of Advocate Commissioner also, the prison authorities have informed that the detenu were segregated from other prisoners only for security reasons and it was not a solitary confinement. It is also stated that now the detenu are not in solitary confinement and they are lodged with the other prisoners; and that the report of the Advocate Commissioner is followed and complied with. Thus, the third respondent prayed to dismiss the petition.

6. Heard the learned counsel appearing for both sides and perused the materials available on record.

7. Though very many contentions have been raised on either side, now it is stated that the detenu are not in solitary confinement and they are lodged with the other prisoners also. The said submission of the third respondent is recorded. In view of the above statement of the third respondent, we are of the view that no direction is necessary in this petition. Hence, this Habeas Corpus Petition is closed. However, if there is any violation of Rules of the Tamil Nadu Prison Manual in respect of the detenu are concerned, the petitioner is at liberty to approach the appropriate forum in the manner known to law. Consequently, connected miscellaneous petitions are closed.

8. The Advocate Commissioner fee is fixed at Rs.15,000/-. The petitioner is directed to pay the same to the Advocate Commissioner. We place on record our appreciation to the Advocate Commissioner.

Sd/-

Assistant Registrar(C.O)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Home Department,
Fort St. George,
Chennai - 9.

2. The Additional Inspector of General of
Police, (Prison),
CMDA Tower II,
No.1, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.



3.The Superintendent,
Special Prison for Women,
Trichy.

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

Copy to:

Ms.S.Vijayashanthi, Advocate,
65, Law Chambers,
Madurai Bench of Madras High Court,
Madurai-625 023.
(Mobile NO. 94435 72571)

+1cc to Mr.NA.PALANIYANDI,Advocate,SR.82934

H.C.P.[MD].No.1415 of 2017
13.10.2017

GCG

KK/SV MMS/SAR 3/26.12.2017/ 4P- 7C/