



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBBIAH

AND

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

H.C.P. (MD) Nos. 1612 and 1613 of 2017

J. William Irving : Petitioner in
HCP No. 1612

Nicholas Simpson : Petitioner in
HCP No. 1613

Vs.

1. The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George, Chennai-9.

2. The Inspector General of Prisons
Chennai.

3. The Superintendent
Central Prison - I
Puzhal, Chennai.

4. The Inspector of Police
Tharuvaikulam Marine Police Station,
Thoothukudi District
Crime No. 18 of 2013

: Respondents in both.

COMMON PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondent Nos. 1 to 3 to provide "A" Class facility to the petitioners in the 3rd respondent's prison while undergoing the sentence imposed by the learned Principal Sessions Judge, Thoothukudi in SC No. 262 of 2015 dated 11.01.2016.

For Petitioners : Mr. R. Anand

For Respondents : Mr. A. Ramar

Additional Public Prosecutor

ORDER

[Order of the Court was made by **R. SUBBIAH, J**]

These petitions have been filed to direct the respondent Nos. 1 to 3 to provide "A" Class facility to the petitioners in the 3rd respondent's prison while undergoing the sentence imposed by the

learned Principal Sessions Judge, Thoothukudi in SC No.262 of 2015 dated 11.01.2016.

2. The petitioners are Foreigners and they have been convicted for offence under Section 25(1-A) of the Arms Act, 1959 and sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.1,000/-, in default to undergo rigorous imprisonment for six months and convicted under Section 25(1-B) (a) of the Arms Act, 1959 and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/-, in default to undergo rigorous imprisonment for three months and convicted under Section 25(1-B) (f) of the Arms Act and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for three months. Aggrieved over the said conviction and sentence, the petitioners have filed criminal appeals before this Court, in which, Judgment has been reserved. While so, they have made a representation dated 01.08.2017 to the respondents to provide them 'A' Class facilities in the prison.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondents.

4. When these matters were taken up for consideration, the learned counsel for the petitioners submitted that it would be suffice, if a direction is given to the respondents to consider the representation of the petitioners.

5. In view of the submission made by the learned counsel for the petitioners, these petitions are disposed of by directing the respondents 1 to 3 to consider the representation of the petitioners dated 01.08.2017 as per Rule 227 of the Tamil Nadu Prison Rules, 1983, with regard to the eligibility of the petitioners for 'A' Class facility, and pass orders on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS-II)

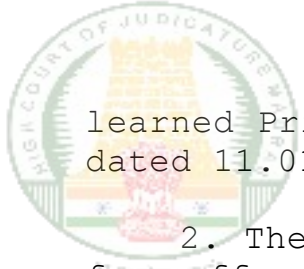
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Sub Assistant Registrar

To

1. The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat,

Esplanade, George, Chennai-9.



WEB COPY



2. The Inspector General of Prisons
Chennai.

3. The Superintendent
Central Prison - I
Puzhal, Chennai.

4. The Inspector of Police
Tharuvaikulam Marine Police Station,
Thoothukudi District

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

RR

VB/KP/SAR2/20.11.2017/3P/6C

**Order made in
H.C.P. (MD) Nos.1612 and 1613 of 2017
Dated: 02.11.2017**