



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **24.02.2017**
CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P.[MD].Nos.900 of 2013, 1249, 430, 1255, 1346 of 2014
and
HCP(MD).No.99 of 2015

H.C.P.[MD].Nos.900 of 2013:-

Muniasamy

: Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep by its Secretary,
Home Department, Fort.St.George,
Chennai.
- 2.The Additional Director General of Prison,
Egmore, Chennai.
- 3.The Superintendent of Prison,
Madurai Central Prison, Madurai.
- 4.State rep by its
Inspector of Police,
E3 Anna Nagar Police Station,
Madurai Crime No.734/2007.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to quash the life sentence awarded to the son of the petitioner - Pandi @ Pandiyarajan in S.C.No.132 of 2008, dated 30.09.2009 by the learned Additional District and Sessions Judge, [FTC No.III], Madurai and confirmed by this Court in C.A.(MD).No.373 of 2009, dated 05.07.2010 and direct the respondents herein to produce the son of the petitioner Pandi @ Pandiyarajan, before this Court from the Madurai Central Prison, Madurai and set him at liberty.

For Petitioner : Mr.Veera Kathiravan
Senior Counsel

For Mr.C.Jegannathan

For Respondents : Mr.K.S.Duraipandian

Additional Public Prosecutor

H.C.P.[MD].Nos.1249 of 2014:-

R.Guruvammal

: Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep by its Secretary,
Home(Prison) Department, Fort.St.George,
Chennai.
- 2.The Superintendent of Prison,
Madurai Central Prison, Madurai.



3.The Inspector of Police,
Sekkanurani Police Station,
Sekkanurani, Madurai.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to quash the life sentence awarded to the son of the petitioner - Chinna Mayan in S.C.No.462 of 2000, by the learned First Additional District Sessions Judge cum Chief Judicial Magistrate, Madurai, and direct the respondents to produce him before this Court, presently confined in Central Prison, Madurai and set him at liberty forthwith under the provisions of the Tamil Nadu Borstal School Act, 1925.

For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mr.K.S.Duraipandian
Additional Public Prosecutor

H.C.P.[MD].Nos.430 of 2014:-

Charles @ Savarimuthu

: Petitioner

Vs.

1.State of Tamil Nadu,
Rep by its Secretary,
Home Department, Fort.St.George,
Chennai.

2.The Additional Director General of Police [Prisons]/,
The Inspector General of Prisons,
Office of the Additional Director General of Police,
Annasalai, Chennai.

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

4.The Inspector of Police,
Kallakudi Police Station,
Trichy, Madurai.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to produce the person and body of the detenu, by name, Charles @ Savarimuthu, S/o.Manickam, aged about 41 years, now confined at Trichy Central Prison, before this Court and set him at liberty by quashing the life sentence awarded to the detenu in S.C.No.26 of 1993, dated 04.03.1993, by the Second Additional Sessions Judge, Trichy.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.K.S.Duraipandian
Additional Public Prosecutor

H.C.P.[MD].Nos.1255 of 2014:-

S.Sundarrajan

: Petitioner

Vs.

1.State of Tamil Nadu,
Rep by its Secretary,
Home Department, Secretariat, Fort.St.George,
Chennai.



2.The Additional Director General of Police [Prisons]/,
The Inspector General of Prisons,
Office of the Additional Director General of Police,
Annasalai, Chennai.

3.The Superintendent of Prison,
Palayamkottai Central Prison, Tirunelveli.

4.The Inspector of Police,
Alangulam Police Station,
Tirunelveli District, Crime No.93 of 2000. : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to quash the seven years sentence awarded to the detenu in C.A.No.233 of 2006, dated 11.07.2013 in S.C.No.327 of 2006, on the file of the First Additional Sessions Judge, Tirunelveli and direct the respondents to produce the detenu, by name, Mahendran, S/o.Subbaiah, aged about 27 years, before this Court from Palayamkottai Central Prison, Tirunelveli and set him at liberty.

For Petitioner	: Mr.V.Kathirvel Senior Counsel For Mr.S.T.Sasidharan Tamil Kani
For Respondents	: Mr.K.S.Duraipandian Additional Public Prosecutor

H.C.P.[MD].Nos.1346 of 2014:-

Natchiyar : Petitioner
Vs.

- 1.State of Tamil Nadu,
Rep by its Secretary,
Home Department, Secretariat, Fort.St.George,
Chennai.
- 2.The Additional Director General of Police [Prisons]/,
The Inspector General of Prisons,
Office of the Additional Director General of Police,
Annasalai, Chennai.
- 3.The Superintendent of Prison,
Central Prison, Madurai.
- 4.The Inspector of Police,
Koodakovil Police Station,
Madurai, Crime No.42 of 2002. : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to set aside the life sentence awarded to the detenu in S.C.No.76 of 2003, dated 02.12.2010, by the learned Additional District and Sessions Judge, Fast Track Court, No.I, Madurai, and confirmed by this Court in C.A.No.179 of 2005, dated 19.03.2014 and direct the respondents to produce the detenu, by name, Duraipandi, S/o.Dharmar, aged about 30 years, before this Court from Madurai Central Prison, Madurai and set the petitioner's husband at liberty.



For Petitioner

: Mr.V.Kathirvel

Senior Counsel For Mr.K.Prabhu

For Respondents

: Mr.K.S.Duraipandian

Additional Public Prosecutor

H.C.P.[MD].Nos.99 of 2015:-

Krishnamurthi @ Mottai Thalai Krishnamurthi

: Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its Principal Secretary,
Home Department, Secretariat, Fort.St.George,
Chennai.
- 2.The Additional Director General of Police [Prisons]/,
The Inspector General of Prisons,
Office of the Additional Director General of Police,
Annasalai, Chennai.
- 3.The Superintendent of Prison,
Trichy Central Prison, Trichy.
- 4.The Inspector of Police,
Nadukkaveri Police Station,
Trichy, Madurai.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the person and body of the detenu, by name, Krishnamurthi @ Mottai Thalai Krishnamurthi, S/o.Sundaraj, aged about 40 years, now confined at Trichy Central Prison, before this Court and set him at liberty by quashing the life sentence awarded to the detenu in S.C.No.82 of 1993, dated 10.03.1994, by the Hon'ble Sessions Judge, Thanjavur, confirmed by the Principal Bench of this Court in C.A.No.236 of 1994, dated 24.09.2001.

For Petitioner

: Mr.R.Alagumani

For Respondents

: Mr.K.S.Duraipandian

Additional Public Prosecutor

COMMON ORDER

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

These Habeas Corpus Petitions have been filed claiming protection under the Tamil Nadu Borstal School Act, 1925, on the ground that as on the date of commission of offence, the convicts were the adolescents and they should have been retained in Borstal Schools and should not have been lodged in regular prisons.

2. The issue involved in these Habeas Corpus Petitions has already been decided by the Larger Bench of this Court in **N.Gowthaman @ Babu, Vs. The Government of Tamil Nadu**, reported in 2016 (5) CTC 225.

3. In view of the law laid down by the Larger Bench, referred



to above, nothing survives for adjudication in these Habeas Corpus Petitions. Hence, the Habeas Corpus Petitions are dismissed.

Sd/-

Assistant Registrar(CS-III)

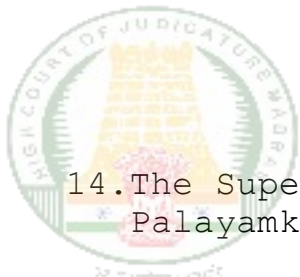
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Sub Assistant Registrar

To

- 1.The Principal Secretary to Government,
Home Department, Fort.St.George,
Chennai.
- 2.The Additional Director General of Prison,
Egmore, Chennai.
- 3.The 2nd Additional Sessions Judge, Trichy
- 4.The 1st Additional District Sessions Judge
cum Judicial magistrate,
Madurai.
- 5.The Additional District and Sessions Judge,
(Fast Track Court No.III),
Madurai.
- 6.The Sessions Judge, Thanjavur.
- 7.The 1st Additional Sessions Judge, Tirunelveli.
- 8.The Additional District and Sessions Judge,
(Fast Track Court No.I),
Madurai.
- 9.The Superintendent of Prison,
Madurai Central Prison, Madurai.
- 10.The Inspector of Police,
E3 Anna Nagar Police Station,
Madurai Crime No.734/2007.
- 11.The Inspector of Police,
Sekkanurani Police Station,
Sekkanurani, Madurai.
- 12.The Superintendent of Prison,
<https://hcservices.ecourts.gov.in/hcservices/>
Trichy Central Prison, Trichy.
- 13.The Inspector of Police,
Kallakudi Police Station,
Trichy, Madurai.



14. The Superintendent of Prison,
Palayamkottai Central Prison, Tirunelveli.

15. The Inspector of Police,
Alangulam Police Station,
Tirunelveli District,

16. The Inspector of Police,
Koodakovil Police Station, Madurai.

17. The Inspector of Police,
Nadukkaveri Police Station,
Trichy, Madurai.

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

+2 cc to MR.K.PRABHU, ADVOCATE, SR NO:10911,10912

+2 cc to MR.R.ALAGUMANI, ADVOCATE, SR NO:11396,11395

NB

SVA/MR/13.03.2017/6P/23C

COMMON ORDER MADE IN
H.C.P. [MD] .Nos.900 of 2013,1249, 430, 1255, 1346 of 2014
and
HCP (MD) .No.99 of 2015
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