

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

AND

THE HON'BLE MRS. JUSTICE R.HEMALATHA

Habeas Corpus Petition No.1375 of 2018

Syed Banu

... Petitioner /

Wife of the detenu

versus

1. The State of Tamil Nadu,
Rep. by Secretary to Government,
Home (Prison IV) Department,
Fort St. George, Chennai - 9
2. The Additional Director General of Prison,
Prison Department, 2nd Floor,
Gandhi Irwin Road, Egmore, Chennai - 8
3. The Commissioner of Police, Vepery,
Chennai - 7
4. The Superintendent of Central Prison,
Central Prison, Cuddalore
5. The Superintendent of Central Prison,
Puzhal, Chennai 66

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to direct the respondents to produce the petitioner's husband, Imran, S/o. Abdul Ajeez, under trial remand prisoner, detained in Central Prison, Cuddalore, by the order of the third respondent, in Memo No.311/BCDFGISSSV/2018 dated 09.05.2018 before this Court and to transfer the petitioner's husband to the Central Prison at Puzhal - I, Chennai.

For Petitioner : Mr. S.Xavier Felix.

For Respondents: Mr. R.Prathap Kumar, A.P.P.,

O R D E R

(Order of the Court was made by S.Vimala, J.,)

This Habeas Corpus Petition has been filed by the petitioner / wife of the detenu, Imran, S/o. Abdul Ajeez, under trial remand prisoner, detained in Central Prison, Cuddalore, seeking to transfer him to the Central Prison at Puzhal - I, Chennai. In this regard the petitioner has submitted a representation dated 21.05.2018, to the respondents.

2. The contents of the representation submitted to the respondents is reiterated during the time of arguments by the learned counsel appearing for the petitioner.

3. The learned counsel appearing for the petitioner submitted that the detenu is not guilty of any prison offences and the erstwhile transfer of the detenu from Central Prison, Chennai, to the Central Prison, Cuddalore, Chennai, by the respondents, is unwarranted and the detenu is deprived of the opportunity of meeting the family members, as he is confined in Central Prison, Cuddalore and the detenu must be transferred back to the Central Prison, Puzhal, Chennai.

4. This Court heard the submissions of the learned Additional Public Prosecutor on the submissions made by the learned counsel appearing for the petitioner.

4.1. The learned Additional Public Prosecutor submitted that the representation of the petitioner would be duly considered and appropriate orders will be passed as soon as possible.

5. In the light of the said submissions, we direct the respondents, more particularly, the second respondent, to consider the representation, dated 21.05.2018 submitted by the petitioner and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, this Habeas Corpus Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

srk

To

1. The Secretary to Government, State of Tamil Nadu, Home (Prison IV) Department, Fort St. George, Chennai - 9
2. The Additional Director General of Prison, Prison Department, 2nd Floor, Gandhi Irwin Road, Egmore, Chennai - 8
3. The Commissioner of Police, Vepery, Chennai - 7
4. The Superintendent of Central Prison, Central Pirson, Cuddalore
5. The Superintendent of Central Prison, Puzhal, Chennai 66
6. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr. S. Xavier Felix, Advocate Sr.49003

H.C.P.No.1375 of 2018