

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.1435 of 2018

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... Petitioner /
Mother of the detenu

versus

1. The Secretary to Government,
Home Department,
Fort St. George, Chennai 9
2. The Additional Director General of Prisons and
Inspector General of Prisons,
Egmore, Chennai 8
3. The Superintendent,
Central Prison,
Coimbatore, Coimbatore District
4. The Superintendent,
Central Prison,
Salem, Salem District
5. The Commissioner of Police,
Salem City, Salem ... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to direct the respondents 1 to 3 to transfer the petitioner's son namely Madhesh (No.15971) from Central Prison, Coimbatore, to Central Prison, Salem, to secure the ends of justice, in view of the petitioner's representation dated 24.04.2018.

For Petitioner : Mr. A.Esakkiappan

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 mother of the detainee, seeking directions to the respondents to transfer his son, Madhesh (No.15971) from Central Prison, Coimbatore, to Central Prison, Salem. In this regard, the petitioner has submitted a representation dated 24.04.2018 to the respondents. Since the said representation has not been considered by the respondents so far, the petitioner has filed this petition.

2. In the said representation, it is stated that the petitioner / mother is a resident of Salem. It is further stated that her son, Madhesh, is confined at Central Prison, Coimbatore, in connection with the offence under Section 302 IPC and he is in confinement from 04.06.2016. It is also stated that her husband is no more and she has no money to travel from Salem to Coimbatore, to see her son who is confined there. It is further stated that her son may be transferred to Central Prison, Salem, which would meet the ends of justice.

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

4. In the light of the said submissions, we are of the view that the consideration of transfer sought for by the petitioner remain in the domain of the second respondent and it is for the second respondent to decide the issue. Hence, the second respondent is directed to consider the representation, dated 24.04.2018, 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.

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

Sd/-

Assistant Registrar (CS IX)

//True copy//

Sub Assistant Registrar

srk

To

1. The Secretary to Government,
Home Department,

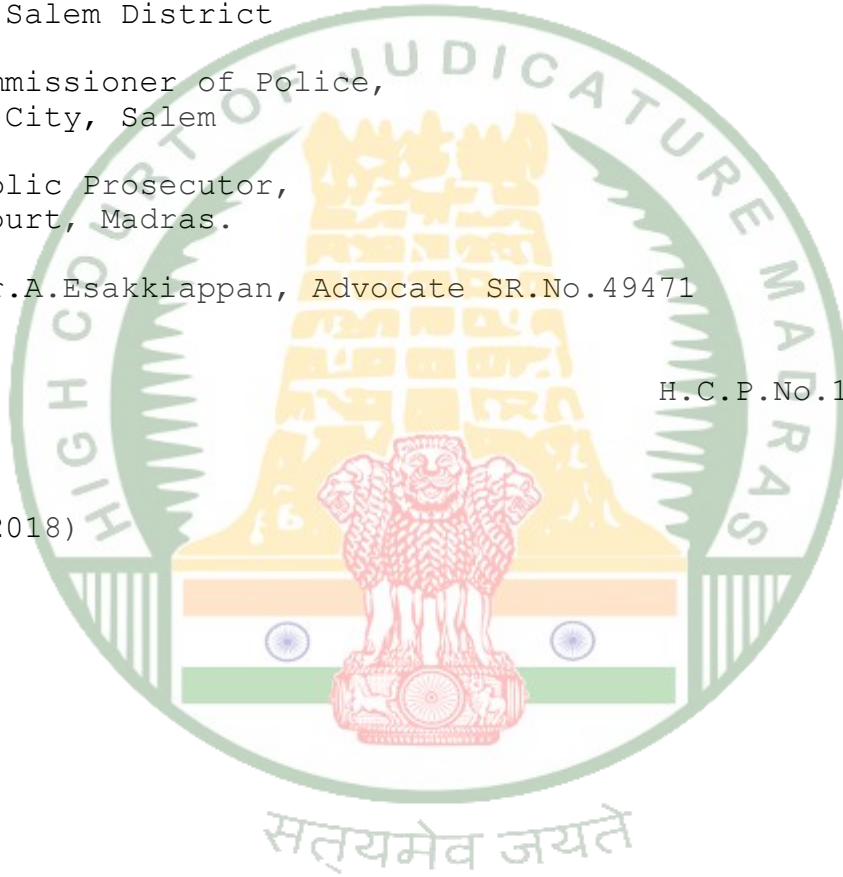
Fort St. George, Chennai 9

2. The Additional Director General of Prisons and
Inspector General of Prisons,
Egmore, Chennai 8
3. The Superintendent,
Central Prison,
Coimbatore, Coimbatore District
4. The Superintendent,
Central Prison,
Salem, Salem District
5. The Commissioner of Police,
Salem City, Salem
6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Esakkiappan, Advocate SR.No.49471

H.C.P.No.1435 of 2018

GJII(CO)
GN(13/08/2018)



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