

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-07-2018

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA
AND
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

H.C.P.No.1490 of 2018

P.Ravikumar

... Petitioner

Versus

1. The State of Tamil Nadu
Rep. by The Secretary to the Government,
Home (Prison IV) Department,
Fort St. George,
Chennai - 600 009.
2. The Additional Director General of Police,
C.M.D.A. Tower II,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.
3. The Superintendent of Prison,
Central Prison,
Cuddalore.
4. The Superintendent of Prison,
Central Prison,
Puzal, Chennai.
5. The Inspector of Police,
J12 Kanathur Police Station,
Chennai.

.... Respondents

Habeas Corpus Petition filed under Article 226 of Constitution of India, seeking for the issuance of writ of Habeas Corpus, to transfer the son of the petitioner namely R.Vinoth Kumar, S/o.P.Ravikumar, aged 28 years, from Central Prison Cuddalore to Chennai Central Prison, Puzal, Chennai.

For Petitioner : Mr.S.Senthil Vel

For Respondents: Mr.R.Prathapkumar, APP

ORDER

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

This Habeas Corpus Petition has been filed by the father of the detenu, seeking transfer of his son R.Vinoth Kumar from the Central Prison Cuddalore to Central Prison, Puzhal, Chennai.

2. The learned counsel appearing for the petitioner submitted that the petitioner submitted a representation to the respondents on 14.07.2018 seeking transfer of his son from the Central Prison Cuddalore to Central Prison, Puzhal, Chennai. In the representation, it is stated that the detenu was confined to Central Prison, Puzhal on 25.06.2018. The detenu was admitted at Stanley Hospital for the purpose of treatment of fracture sustained by him and even before the completion of treatment, he was transferred from Stanley Hospital to the prison at Puzhal and thereafter, to Cuddalore Central Prison. The learned counsel further submitted that all cases pertaining to the detenu are pending in and around Chennai only and therefore, the transfer is illegal.

2.1. It is also claimed that the treatment has to continue at Chennai and each and every time, commuting from Cuddalore to Chennai would result in physical deterioration of the health of the detenu and therefore, the transfer order should be cancelled. In support the same, the learned counsel relied upon Rule 571 of the Tamil Nadu Prison Manual.

"571. Transfer of sick prisoners - (1) No prisoner who is in hospital shall be transferred except for the benefit of his health.

(2) When the Medical Officer is of the opinion that the transfer of a sick prisoner to another prison is likely to lead to his recovery, or materially to prolong his life, he shall forward a brief statement of the case to the Superintendent, mentioning the prison to which a transfer is desirable. The Superintendent shall submit the case to the Inspector-General for orders.

(3) The Superintendent shall, on the requisition in writing of the Medical Officer, supply extra diet, clothing and bedding to prisoners about to be transferred. Medicines with instructions for their use shall, if necessary, be supplied to the officer in-charge of the escort.

(4) The Medical Officer shall be responsible to see that all hospital entries are made up to date in the medical case sheet at the time of transfer of the prisoner.

(5) No prisoner who is incapable of ordinary hard labour on account of age, sickness or infirmity shall be recommended for transfer unless under special

circumstances."

3. Heard the learned Additional Public Prosecutor appearing for the respondents.

4. There is an undertaking on behalf of the respondents that they will consider the representation dated 14.07.2018, within a period of two weeks.

5. Under such circumstances, as it is within the domain of the prison authorities to consider the issue raised by the petitioner, the respondents, especially, the second respondent shall consider the representation dated 14.07.2018, submitted by the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

6. With these observations, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

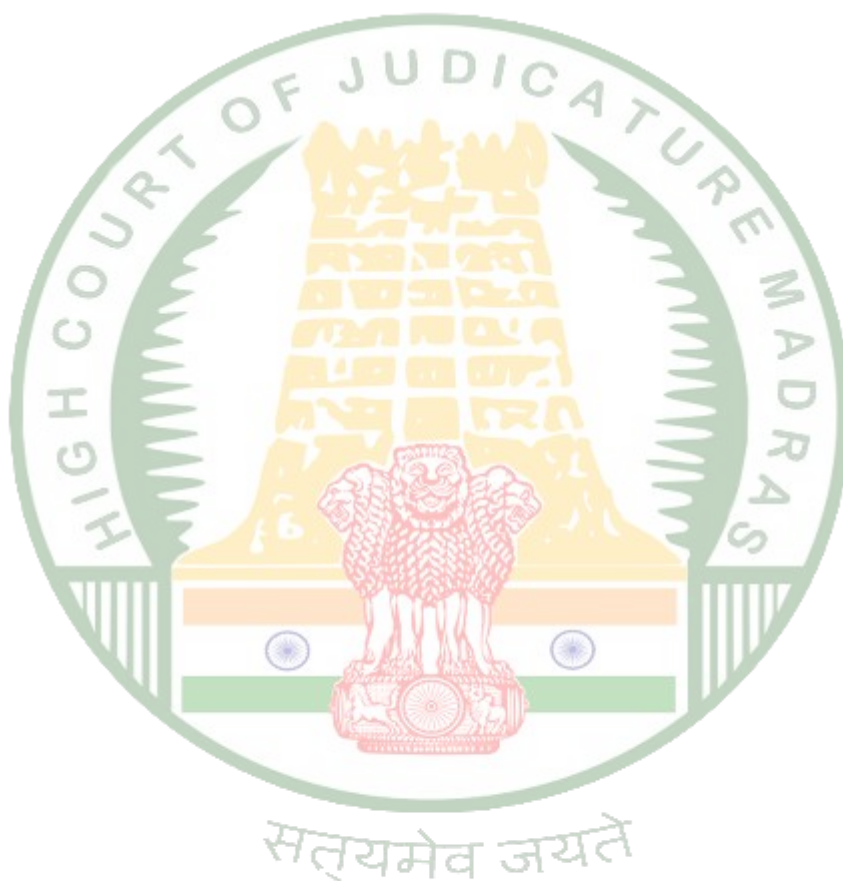
To

1. The Secretary to the Government,
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Chennai.

6.The Public Prosecutor
High Court,
Madras.

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