

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.1599 of 2018

M.Thulasidevi
W/o.Mohan ... Petitioner

-Vs-

- 1.The Additional Director General of Police
& Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 2.The Superintendent of Prisons,
Central Prison,
Trichy 620 020. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records from the 1st respondent in connection with order in Mu.Mu.No.48404/C.Na 2/2017 dated 21.12.2017 and quash the same and directing the respondents to transfer petitioner's husband A.T.Mohan, S/o.Thangaraj, aged 57 years, Ct.No.20173, now confined in Central Prison, Trichy from Central Prison, Trichy to Central Prison -1, Puzhal, Chennai.

For Petitioner : Mr.P.Pugalenth

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

[Order of the Court was made by C.T.SELVAM, J]

Petitioner has filed the present petition seeking transfer of her husband, who is presently confined at Central Prison, Trichy (Convict No.20173) to Central Prison -1, Puzhal, Chennai.

2. Petitioner is the wife of A.T.Mohan S/o.Thangaraj, who under judgment dated 25.11.2005 in S.C.No.232 of 1996 on the file of learned I Additional Sessions Judge, Chennai, has been convicted for offence u/s.302 r/w 34 IPC and sentenced to life. Petitioner informs that as the remand period of the

petitioner's husband not having properly calculated, he moved H.C.P.No.1044 of 2016 before this Court and under orders dated 24.03.2017, this Court required the respondents to set off the remand period undergone by him. Petitioner informs that her husband has undergone 29 years of sentence as life convict and he was eligible for premature release under scheme drawn up by the State as reflected in Letter (FS) No.1358, Home, dated 10.11.1994. The contention of petitioner in the present petition is that the representation of her husband seeking transfer from Central Prison, Trichy, to Central Prison I, Puzhal, Chennai, was rejected under the impugned order of first respondent in Mu.Mu.No.48404/C Na2/2017 dated 21.12.2017. Informing the order of rejection to be in gross violation of Articles 14 and 21 of the Constitution of India, petitioner has sought the present relief.

3. We have the perused the order under challenge. In rejecting the representation of petitioner's husband, no reason whatsoever has been informed. It is appropriate to set aside the order on the said ground as affording reasons has been found to be heart beat of decisions.

Accordingly, the Habeas Corpus Petition is allowed. The order of first respondent in Mu.Mu.No.48404/C.Na 2/2017 dated 21.12.2017, is set aside. It is now open to the petitioner/her husband to make a fresh representation seeking transfer to Central Prison I, Puzhal, Chennai. Respondents are directed to consider the representation to be submitted by petitioner/her husband in accordance with law and on merits within a period of four weeks of receipt thereof.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The Additional Director General of Police
& Inspector General of Prisons,
Gandhi Irwin Road
Egmore, Chennai - 600 008.
- 2.The Superintendent of Prisons
Central Prison
Trichy 620 020.
- 3.The Central Prison I,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Pugalenthil , Advocate SR.No. 54603

H.C.P.No.1599 of 2018

KK(CO)

ASK(17/09/2018)