

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2018

CORAM:

THE HON'BLE MR.JUSTICE M. DHANDAPANI

Crl.R.C.No. 1076 of 2018

Mrs. Sonali Karthik

... Petitioner/Accused

/Vs/

1.The State

Represented by its Inspector of Police,  
Anti-Corruption Wing,  
Kancheepuram.

2.The Jail Superintendent of Prison,  
Special Prison for Women,  
Puzhal, Chennai-66.

[ Impleaded as per order in Crl.M.P.  
No.13586 of 2018, dated 09.11.2018]

... Respondents

Prayer:

Criminal Revision Petition filed under Section 397 r/w 401 of the Code of Criminal Procedure to set aside the dismissal order dated 29.08.2018 in Crl.M.P.No.893 of 2018 in Special Case No.8 of 2002, on the file of the Chief Judicial Magistrate at Chengalpet for providing the petitioner with class "A" facility at Special Women's Prison, Puzhal.

For Petitioner : Mr. Auxilia Peter

For Respondents : Mr. R. Ravichandran  
Government Advocate [Crl. Side]

The petitioner has filed this Criminal Revision Petition challenging the impugned order passed by the learned Special Judge cum Chief Judicial Magistrate, Chengalpattu, dated 29.08.2018.

2. The petitioner is a convicted prisoner and detained in Female Puzhal Prison, I.D.No.845. Initially, the petitioner has made a representation to the Sub-Collector, Chengalpattu, dated 18.08.2018 for providing Class "A" facility to the petitioner Mrs.Sonali Karthik. Thereafter, she has filed a petition under Section 226 of Tamil Nadu Prison Manual Act, before the learned Special Judge cum Chief Judicial Magistrate, Chengalpattu and

the same was dismissed by the trial Court. Hence , the present revision has been filed by the petitioner.

3. The learned counsel appearing for the petitioner would submit that, initially, the petitioner's name was Maglaene Sunita Barns, daughter of Thiru B. Sidney Barns, born on 21st April, 1968 (native place: Nagercoil), residing at Flat No.6, "Narayaneeyam" Apartment No.22, Tempe Avenue, Srinagar, Colony, Saidapet, Madras-15, shall henceforth be known as Sonali Karthik. After marriage, the petitioner has changed the above said name as Sonali Karthik. After changing her name, in the FIR as well as in the charge sheet, even in the conviction order dated 8.11.2017, the petitioner's name appeared as Sonali Karthik. Thereafter, the petitioner filed a petition for providing Class "A" facility in the Puzhal Prison. The said application was dismissed only on the ground that there was a confusion in the name.

4. However, on perusal of the entire records there is no confusion with regard to her name. In the present case the Prison Authority has to consider whether the petitioner is entitled to "A" Class as per Section 225 of Tamil Nadu Prison Manual Act. If the petitioner satisfies the eligibility criteria for "A" Class, liberty is granted to the petitioner to make representation to the Prison Authorities. If the Prison Authorities satisfied the norms as prescribed under Section 225 of Tamil Nadu Prison Manual Act, shall consider the matter and pass appropriate orders.

5. The Puzhal Prison Authority is directed to consider the petitioner's representation for Class "A" facility. However, the petitioner is permitted to make a representation to the Competent Prison Authorities, Puzhal. On such representation being made, the Prison Authorities, Puzhal, has to consider the petitioner's request and pass appropriate orders on merits in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, the Criminal Revision Petition is allowed.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

msm

To

1. The Chief Judicial Magistrate  
Chengalpet.

2. The Inspector of Police,  
Anti-Corruption Wing,  
Kancheepuram.

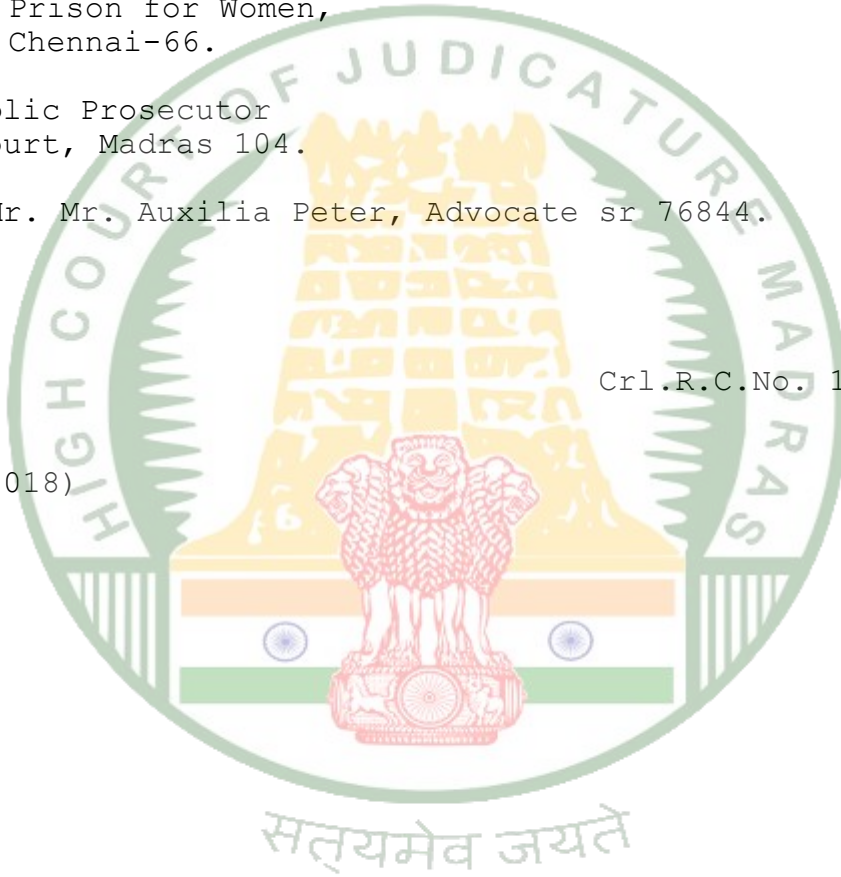
3. The Jail Superintendent of Prison,  
Special Prison for Women,  
Puzhal, Chennai-66.

4. The Public Prosecutor  
High Court, Madras 104.

+1 CC to Mr. Mr. Auxilia Peter, Advocate sr 76844.

Crl.R.C.No. 1076 of 2018

EV(CO)  
SP(28/11/2018)



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