

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2018

CORAM

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

H.C.P.No.1926 of 2018

C.Mayilvizhi

... Petitioner/Wife of the
detenu

-vs-

- 1.The State represented by its
The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai - 600 009.
- 2.The Additional Director General of Prison,
C.M.D.A. Towers,
Egmore,
Chennai - 600 008.
- 3.The Superintendent,
Central Prison,
Cuddalore. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to transfer the detenu, G.E.Chakkarai @ Chakkaravarthy, S/o.Elumalai, convict No.436, from Central Prison Cuddalore to Central Prison Salem permanently and now he has been temporarily confined at Central Prison Salem.

For Petitioner :: Dr.S.Manoharan

For Respondents:: Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

O R D E R

[Order of the Court was made by M.NIRMAL KUMAR, J.]

The petitioner is the wife of the detenu/convict, G.E.Chakkarai @ Chakkaravarthy, who is a life convict prisoner, convicted as per the Judgment dated 07.02.2007 in S.C.No.5 of 2006 passed by the learned Judge, Fast Track Court No.II at Salem. Thereafter, the detenu/convict filed an appeal in

Cr1.A.No.271 of 2007. This Court vide Judgment dated 16.06.2009 had dismissed the above appeal and confirmed the conviction passed by the Lower Court.

2.The detenu/convict has been in jail for the past ten years. Earlier, he had been confined in Central Prison Cuddalore, thereafter, on the representation dated 18.08.2007 to the respondents, the detenu/convict was temporarily transferred from Central Prison Cuddalore to Central Prison Salem, for the period of one year vide order No.Mu.Mu.No.30055/CNa/2017, dated 25.09.2017.

3.The petitioner had sent a representation dated 16.08.2018 stating that the temporary transfer of the detenu/convict from the Central Prison Cuddalore to Central Prison Salem is to expire to get over and hence, sought that the detenu/convict to be permanently kept in the Central Prison Salem. This petitioner had earlier filed a Habeas Corpus Petition in H.C.P.No.1794 of 2018 and assailed the same prayer as that of the present petition.

4.Earlier, when this Court was not inclined, the petitioner had withdrawn the H.C.P.No.1794 of 2018. The petitioner has now filed this petition on the same ground and on the same representation dated 16.08.2018. The conduct of the petitioner in filing the present petition knowing well that the earlier petition was withdrawn only on 28.08.2018, for the same representation and prayer is condemnable. Further, as per the Rules 568 of the Tamil Nadu Prison Manual, 1983, the petitioner has not made any ground for invoking the same.

5.Hence, the Habeas Corpus Petition filed by the petitioner is dismissed. No costs.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

ah

To

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai - 600 009.

2.The Additional Director General of Prison,
C.M.D.A. Towers,
Egmore,
Chennai - 600 008.

3.The Superintendent,
Central Prison,
Cuddalore.

4.The Superintendent,
Central Prison,
Salem.

5.The Joint Secretary to Government,
Public Law Department, Fort St. George,
Secretariat, Chennai.

6.The Public Prosecutor,
High Court, Madras.

RR(CO)
sm:16.10.2018

H.C.P.No.1926 of 2018



WEB COPY