

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.01.2018

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDHER
&
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.2243 of 2017

Chellammal

... Petitioner

Vs.

1.The Additional Director General of Police,
(Head of the Prisons)
C.M.D.A. Towers;
Egmore, Chennai- 600 008.

2.The Superintendent,
Central Prison,
Coimbatore.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to transfer the petitioner's son Kumar, S/o.Krishnan @ Venkatachalam (C.T.No.10347) permanently from Central Prison, Coimbatore to Central Prison Salem to secure the ends of justice.

For Petitioner : Ms.D.Mariojohnson

For Respondents : Mr.V.M.R.Rajentran,

Addl. Public Prosecutor.

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ORDER

(Order of the Court was made by **RAJIV SHAKDHER, J**)

1. This is a petition, whereby, a direction is sought qua the respondents to transfer the petitioner's son i.e., one Kumar, who is presently lodged in Central Prison, Coimbatore to Central Prison, Salem. The detenu/Kumar is, presently, serving a life sentence.

2. The record shows that a representation dated 15.11.2017 was filed on the same lines, on which, relief is sought in the instant petition, which, even according to Mr.Rajentran, is pending consideration.

3. We had issued notice in this petition on 27.11.2017. Since then, a counter affidavit has been filed by the State.

4. A perusal of the counter affidavit shows that temporarily the detenu/Kumar was transferred to the Central Prison, Salem to facilitate the proceedings, being carried out before the Judicial Magistrate V, Salem in S.C.No.350 of 2003. This appears to have been a temporary arrangement.

4.1. Furthermore, the petitioner is booked under Section 307 of the I.P.C. in S.C.No.36 of 2007. This matter is pending before the I Additional Sessions Court, Salem, in S.C.No.36 of 2007.

5. Given the aforesaid circumstances, and in particular, the fact that a representation has been filed, which is not been considered by the respondents, this writ petition is disposed of with a direction that the same will be considered and disposed of within a period of three (3) weeks. The decision taken on the representation will be communicated to the petitioner.

6. The petition is disposed of in the aforesaid terms.

(R.S.A., J.)

(N.S.K., J.)

04.01.2018

Index : yes/no
vsm

To

1.The Additional Director General of Police,
(Head of the Prisons)
C.M.D.A. Towers;
Egmore, Chennai- 600 008.

2.The Superintendent,
Central Prison,
Coimbatore.

3.The Public Prosecutor,
Madras High Court,
Chennai.

RAJIV SHAKDHER, J.
and
N.SATHISH KUMAR, J.

vsm



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