

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 26.04.2018

Pronounced on : 04.06.2018

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

H.C.P.No.2347 of 2017

Evelyn Genela .. Appellant

Vs.

1.The Additional Director General of Police &
Inspector General of Prisons,
Egmore, Chennai – 600 008.

2.The Superintendent of Prisons,
Central Prison, Salem.

..Respondents

Prayer: Petition filed under Article 2267 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the Respondents to produce the Petitioner's husband Mr.Selvam, Son of Chinnadurai, Convict No.2900, aged about 48 years, now confined in Central Prison, Salem before the Hon'ble Court and directing the respondents to transfer the petitioner's husband from Central Prison, Salem to Central Prison, Puzhal, Chennai.

For Petitioner

: Mr.Radhakrishnan

For Mr.P.Pugalendhi

For Respondents

: Mr.R.Ravichandran

Govt. Advocate (Crl.Side)

ORDER**M.VENUGOPAL, J.**

The Petitioner/Wife has preferred the present Writ of Habeas Corpus praying for passing of an order by this Court in directing the Respondents to produce her Husband Selvam S/o.Chinnadurai, Convict No.2900, now confined in Central Prison, Salem. Further, she has sought for passing of an order by this Court in directing the Respondents to transfer her husband from Central Prison, Salem to Central Prison, Puzhal, Chennai.

2.Heard the Learned Counsel for the Petitioner and the Learned Government Advocate (Crl. Side) for the Respondents.

3.According to the Petitioner, during the year 2012, she married her Husband Selvam (Life Convict – now confined in Central Prison, Salem) and in the year 1993, her husband was arrested by the Tirunelveli Police in respect of an offence under Section 302 I.P.C. After trial of the case in S.C.No.392 of 1997, her husband was awarded death sentence by the Learned District and Sessions Judge, Tirunelveli, through Judgment dated 05.10.1998, which was

confirmed by this Court and subsequently, the Hon'ble Supreme Court dismissed the Appeal in the year 1999. However, a Mercy Petition of her Husband was considered by His Excellency, the President of India, through communication dated 25.06.2012 and the Government had intimated that His Excellency was pleased to exercise the powers under Article 72 of the Constitution of India and commute the death of sentence into life imprisonment with a condition that the Prisoner shall remain in Prison for the whole of remainder of his natural life and there shall be no remission of the term of imprisonment. Her Husband had undergone more than 23 years of imprisonment.

4.The stand of the Petitioner is that she is residing at Kanyakumari District and her Husband Selvam is detained in the Central Prison, Salem and due to her ill-health, she could not travel from Kanniyakumari to Salem. Since her husband was in Palayamkottai Prison, she was able to meet him with much difficulty. Furthermore, her son is studying in Sri Ramachandra University, Porur, Chennai and her Husband made a representation dated 06.10.2017 to the 1st Respondent/Additional Director General of Police and Inspector General of Prisons, Egmore, Chennai and requested to transfer him to Central Prison, Puzhal.

5.The Learned Counsel for the Petitioner places reliance on the **Order dated 05.10.2017 in H.C.P.No.1707 of 2017 [between A.Aruna V. The Additional Director General of Police and Inspector General of Prisons, Egmore, Chennai and 2 others]** wherein at paragraphs 7.2, 7.3 and 8, it is observed as under:

"7.2. A perusal of clause (vii) of Rule 568, indicates that the prisoner can be transferred on the grounds of security, expediency or any other ground. Even, if, we were to accept that the "administrative reasons" would come within the ambit of "any other ground", it would be incumbent on the respondents to furnish the relevant material to the Court to justify the transfer of the prisoner.

7.3.As noted above, except for vague reason that the prisoner, i.e., Somu, has been transferred for "administrative reasons", no material has been placed on record as to how such a conclusion was reached by the authority concerned. There is nothing

to show that his conduct or any other expediency faced by the respondents propelled his transfer to Central Prison, Vellore.

8.In so far as the stand taken by the respondents that the Prisoner can be transferred by the Inspector-General of Police in exercise of powers conferred upon him under Rule 570, in our view, Rule 570 has to be read along with Rule 568. Otherwise, the Inspector-General would be conferred with untrammelled and unbridled powers making it susceptible to be struck down under Article 14 of the Constitution."

6.The Learned Government Advocate (Crl.Side) for the Respondents submits that the Petitioner's Husband Selvam (Life Convict No.7900) surrendered himself before the Learned Judicial Magistrate, Cuddalore on 22.12.1994 in Kottar Police Station Crime No.1151 of 1994 under Section 302, 148 I.P.C. and Section 3 of the Indian Explosive Substances Act. As a matter of fact, he was convicted and sentenced to death under Section 302 I.P.C. and was directed to undergo six months sentence under Section 148 I.P.C.

and Rigorous Imprisonment for three months under Section 3 of the Indian Explosive Substances Act, in S.C.No.392 of 1997 on 05.10.1998 by the Learned Principal Sessions Judge, Tirunelveli. Indeed, he was admitted at Central Prison, Palayamkottai on 05.10.1998.

7.The Learned Government Advocate (Crl.Side) for the Respondents contends that the Prisoner was convicted and sentenced to undergo Life Imprisonment in Crime No.206 of 1993 on the file of the Vadasery Police Station by the Learned Additional Sessions Judge, Nagercoil in S.C.No.90 of 1997 on 06.01.2003 and he was imposed with a fine of Rs.1000/-, in default of the payment of fine, he was directed to undergo further Rigorous Imprisonment for six months and in respect of an offence under Section 148 I.P.C., he was directed to undergo three months Rigorous Imprisonment and 15 days Rigorous Imprisonment and to pay a fine of Rs.100, in default of the payment of fine, he was directed to undergo one week imprisonment for an offence under Section 341 I.P.C.

8.The Learned Government Advocate (Crl.Side) for the

Respondents brings it to the notice of this Court that the Petitioner's Husband Selvam was convicted and sentenced to undergo Rigorous Imprisonment for two years in respect of an offence under Section 148 I.P.C. and Rigorous Imprisonment for 7 years under Section 307 I.P.C. by the Learned Principal Assistant Sessions Judge, Nagarcoil in S.C.No.113 of 2000 in South Thamaraiikulam Police Station in Crime No.262 of 1994 on 27.10.2007. Further, the Petitioner's Husband Selvam was granted 60 days leave by this Court as per order dated 19.10.2012 in C.M.P.No.27954 of 2012 for his marriage from 23.10.2012 to 23.12.2012 with Police Escort. Later, he was granted 7 times Emergency leave by the Superintendent of Prisons, Vellore and one Ordinary leave for 30 days by the Vellore Range Deputy Inspector General of Prisons. However, he was granted last emergency leave for 3 days with Police Escort from 31.01.2015 to 02.02.2015, since he indulged criminal activities, a case was registered against the Petitioner's Husband in Anaimalai Police Station in Crime No.79/2015 under Sections 147, 148 and 302 I.P.C. and he was remanded by the Learned Judicial Magistrate No.1, Pollachi on 13.05.2015 and released by the Court on 28.07.2017.

9.The Learned Government Advocate (Crl.Side) for the

Respondents draws the attention of this Court that the Petitioner's Husband had committed several prison offences under the Tamil Nadu Prison Manual Volume II Rule No.297(2)(4)(5)(9)(17)(61)(62) and 298 and he was awarded several prison punishments for which he was transferred to the following Central Prison on Administrative grounds:

Sl.No	Date	Transferred Prison	Order
1	8.8.2003	Central Prison Cuddalore	Government Order No.646 Home (Prison 5) Department Dated 03.08.2003 Additional Director General of Police and Inspector General of Prisons Chennai order No.:24078/PW2/2003 Dated: 07.08.2003
2	25.5.2006	Central Prison Vellore	Government Order No.510 Home (Prison 5) Department Dated 24.05.2006 Additional Director General of Police and Inspector General of Prisons Chennai order No.:20248/PW2/2006 Dated: 24.05.2006
3	29.3.2008	Central Prison Madurai	Government Order No.344 Home (Prison 5) Department Dated 26.03.2008. Additional Director General of Police and Inspector General of Prisons Chennai order No.:52718/PW2/2007 Dated: 28.03.2008
4	2.5.2008	Central Prison Trichy	Additional Director General of Police and Inspector General of Prisons Chennai order No.:52718/PW2/2008 Dated: 01.05.2008
5	14.10.2012	Central Prison	Additional Director General of Police

Sl.No	Date	Transferred Prison	Order
		I Puzhal	and Inspector General of Prisons Chennai order No.:34903/CS3/2012-2 Dated: 10.10.2012
6	09.08.2013	Central Prison Vellore	Additional Director General of Police and Inspector General of Prisons Chennai order No.:12879/PW2/2013 Dated: 06.08.2013
7	17.09.2016	Central Prison Salem	Additional Director General of Police and Inspector General of Prisons Chennai order No.:34068/PW2/2006 Dated: 16.09.2016

10. That apart, the details of punishment awarded to the Petitioner's Husband (Selvam - Life Convict Prisoner No.7900) are as under:

SL. No.	DATE	REPORT	PUNISHMENT AWARDED
1	06.10.1998	For not attending weekly inspection	Severely Warning
2	05.05.2003	CT No.3498 Selvam enforced the jailor to admit one RP from out prison 2 to inside prison and made law and order problem inside the prison	Forfeiture of 20 days remission
3	05.08.2003	For seizing cell phone, sim card and charger form CT NO:3448 Selvam	Forfeiture of 20 days remission
4	15.04.2008	For seizing cell phone and Sim Card form CT NO:3448 Selvam	A case was registered in Karimedu Police STation
5	17.04.2008	Threatened to go on hunger strike for not	Recommended for transfer to other jails.

SL. No.	DATE	REPORT	PUNISHMENT AWARDED
		transferring him to CP Palayamkottai violating prison rules	
6	19.04.2008	Used unparliamentary words against the prison officials	1 week cut for prison privileges
7	20.04.2008	Used unparliamentary words against the prison officials	Recommended for transfer to other jails
8	10.11.2016	He used filthy words against the prison cook Tr.Mahendiran when taking his food. Hence the Jailor registered a report against him.	Superintendent warned him
9	21.11.2016	Again he used filthy words against the prison cook Tr.Mahendiran when taking his food. Hence, the Jailor registered the report against him	Severely warned
10	24.11.2016	LCT No.7900 Selvam S/o.Chinnadurai threatened the cooks Tr.Palanimuthu and Tr.Mahendiran of this prison, in an unrudely manner and shouted against them in the presence of other prisoners by violating prison rules.	For that prison offence prison facilities were stopped for three months and his "A" Class facilities also temporarily cut for three months by the Superintendent of prisons as per the Tamilnadu Prison Manual Volume II Rule No.302

11.The Learned Government Advocate (Crl.Side) for the Respondents proceeds to point out that the the Life Convict

Selvam's father on earlier occasion filed H.C.P.No.2143 of 2016 before this Court seeking to transfer his son from Central Prison, Salem to Central Prison, Palayamkottai. This Court, on 14.12.2016, in the aforesaid H.C.P., directed the Respondents (i.e. Additional Director General of Police & Inspector General of Prisons, Chennai and Superintendent of Prisons Central Prison, Salem) to pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order.

12.The Learned Government Advocate (Crl. Side) submits that as per instructions of the 1st Respondent [vide his fax message No.37085/PW2/2016, dated 23.12.2016 a proposal along with the report of Probation Officer, Nagercoil and report of the Superintendent Central Prison, Palayamkottai regarding permanent transfer of the prisoner to Central Prison, Palayamkottai for interview purpose was submitted to the Additional Director General of Police & Inspector General of Prisons, Chennai. After scrutinizing the proposal, the 1st Respondent rejected the transfer request of the Petitioner's Husband Selvam as per Memo dated 28.01.2017.

13.It comes to be known that the Petitioner made a request to transfer her Husband Selvam (Life Convict) to the Central Prison, Palayamkottai through her petition dated 31.05.2017 which was addressed to the 1st Respondent and that the petition was received in 2nd Respondent's Office through fax message dated 06.06.2017 of the 1st Respondent. In the meanwhile, a report from the Probation Officer, Nagercoil and consent of Superintendent, Central Prison Palayamkottai were called for as per 2nd Respondent's office letter dated 06.06.2017 and during this process, the Petitioner's Husband Selvam made a request dated 06.10.2017 to the 1st Respondent during his inspection of Central Prison, Salem and requested to transfer him to Central Prison-1, Puzhal for interview purpose as his son is studying at Chennai.

14.Moreover, as per the instructions of the 1st Respondent report of Probation Officer, Nagercoil and consent from the Superintendent of Prison, Central Prison-1, Puzhal were called for as per letter dated 15.11.2017. However, the Superintendent of Prisons, Central Prison-1, Puzhal through letter dated 15.11.2017 had expressed his unwillingness for the transfer of Petitioner's Husband to Central Prison-1, Puzhal due to administrative reasons.

The Petitioner's Husband Selvam was directed to be transferred temporarily for a period of six months to Special Sub Jail, Poonamallee from Salem Central Prison as per order dated 13.04.2018 of the 1st Respondent.

15.As a matter of fact, the 2nd Respondent had addressed a communication to the Government Advocate, High Court, Madras on 19.04.2018 stating that the Petitioner's Husband Selvam is kept at Prison-1 Special Sub Jail, Poonamallee and in the said Prison-1, there are about 8 named prisoners, whose names were mentioned in the said communication.

16.It transpires that the Superintendent of Prisons, Central Prison -1, Puzhal had addressed a communication to the 2nd Respondent/Superintendent of Central Prison, Salem to the effect that the consent was not accorded for transferring the Petitioner's Husband Selvam (Life Convict) from Central Prison, Salem to Central Prison, Puzhal on account of Administrative Interest.

17.In this connection, the Superintendent of Prisons, Central Prison - 1 (Convict), Puzhal, Chennai had addressed a

communication to this Court dated 23.04.2018 wherein at paragraphs 2 and 3, it is stated as under:

"2)In this connection, it is submitted that the above prisoner was the matter mind in the incident of assault of Life Convict Perarivalan @ Arivu S/o Gunasekaran in Central Prison, Vellore, he was transferred from Central Prison Vellore to Central Prison Salem on administrative grounds. Now, life Convict No.1398. Perarivalan @ Arivu S/o Gunasekaran is lodged in this prison from 13.12.2017 for his medical treatment in Rajiv Gandhi Government Hospital, Chennai.

3)Hence, due to administrative and security reasons, the Life Convict Selvam has been transferred to Special Sub Jail Poonamallee instead of Central Prison-I, Puzhal."

18.In fact, as per Rule 568 of the Tamil Nadu Prison Rules, 1983 the Grounds, reasons and circumstances of transfer, are mentioned as under:

"568.Grounds, reasons and

circumstances of transfer.- Prisoners may be transferred from one prison to another for the following reasons, namely:-

(i) For custody and treatment in a suitable institution in accordance with the classification, procedure;

(ii) For attendance in Court for the purpose of standing trial, or giving evidence;

(iii) On medical grounds;

(iv) On humanitarian grounds, in the interest of their rehabilitation;

(v) For post-release vigilance by the police;

(vi) For providing essential services;

(vii) On grounds of security, expediency or any other grounds;

and

(viii) For other special reasons, if any."

19.Indeed, Section 570(1) of the Tamil Nadu Prison Rules, 1983 confers 'Powers on the Inspector General of Prisons' subject to the order and under the control of the Government, to authorise

sanction of the transfer from one prison to another within the State of such prisoners as are referred to in Section 29 of the Prisons Act, 1900 (Central Act III of 1900) except those under sentence of death. Rule 570(2) of the Tamil Nadu Prison Rules, 1983 envisages that the powers to transfer of any prisoner under sentence of death from one prison to another shall vest with the State Government.

20. Suffice it for this Court to point out that it is the primordial and sacrosanct duty of the authorities mentioned in Section 29 of the Prisoners Act, 1900, to transfer the prisoners by taking into relevant and numerous factors as adumbrated in Rule 568 of the Tamil Nadu Prison Rules, 1983.

21. It is useful for this Court to refer to Section 29 of the Prisoners Act, 1900, under the caption 'Removal of Prisoners' which runs as under:

"S.29. Removal of prisoners.- (1) The State Government may, by general or special order, provide for the removal of any prisoner confined in a prison-
(a) under sentence of death, or
(b) under, or in lieu of, a sentence

of imprisonment or imprisonment for life, or

(c) in default of payment of a fine, or

(d) in default of giving security for keeping the peace or for maintaining good behaviour,

to any other prison in the State

(2) Subject to the orders, and under the control, of the State Government, the Inspector-General of Prisons may, in like manner, provide for the removal of any prisoner confined as aforesaid in a prison in the State to any other prison in the State."

22. In fact, the State amendment to Section 29 of the Prisoners Act, 1900 (in regard to its applicability to Tamil Nadu) is as follows:

"Tamil Nadu.- In its application to the State of Tamil Nadu, in Sec.29-

(ii) after sub-section (2), the following sub-section shall be added namely,-

"(3) Subject to the orders and under the control of the State Government any

person who is detained in custody in a prison pending inquiry or trial under any writ, warrant or order of any Court may, by order, be directed to be removed -

(i) from one subsidiary jail to another subsidiary jail in the district, by the Collector of the district or by his Personal Assistant (not below the rank of Deputy Collector).

(ii) from one subsidiary jail to another subsidiary jail within the jurisdiction of a Revenue Divisional Officer, by the Revenue Divisional Officer,

(iii) from a subsidiary jail in one district to a subsidiary jail in another district, by the Collector of the district from which the person is removed with the consent of the Collector of the other district,

(iv) by the Inspector- General of Prisons-

(a) from one Central jail to another Central Jail or to a District Jail or a subsidiary jail;

(b) from one district jail to

***another district jail or a Central Jail or a subsidiary jail; or
(c) from one subsidiary jail to another subsidiary jail or to a district jail or a Central jail."***

23. It is to be pointed out that a visit to prisoners by family members and friends are undoubtedly a solace in insulation. It is true that right to society of family members, wife/husband or other persons ought not to be denied especially in the teeth of Article 19 of the Constitution. However, the visit of close friends, the family members, other callers are part of the prisoner's rights and by and large, they are to be respected. If a prisoner is placed in a solitary cell, denial of necessary amenity, transferring him to a distant prison, may snap his connections in restrictive manner. However, a Court of Law is to see whether such restrictions will be of a curtailment or violation of liberty of one's life in a broader perspective point of view.

24. It cannot be brushed aside that a Court of Law is to strike a balance between the dehumanising prison atmosphere and of course, the preservation of internal discipline and order, the

rehabilitation of the prisoners and the maintenance and tightening of inside security against an act(s) of 'escape'.

25. At this juncture, it is worth recalling and recollecting the decision in ***Sunil Batra V. Delhi Administration, 1978 CRI.L.J. 1741*** wherein the Hon'ble Supreme Court had observed as under:

"It is no more open to debate that convicts are not wholly denuded of their fundamental rights. However, a prisoner's liberty is in the very nature of things circumscribed by the very fact of his confinement. His interest in the limited liberty left to him is then all the more substantial. Conviction for a crime does not reduce the person into a non-person whose rights are subject to the whim of the prison administration and, therefore, the imposition of any major punishment within the prison system is conditional upon the observance of procedural safeguards. (1974) 41 Law Ed 2d 935 (973) and (1974) 41 LAW Ed 2d 495 (501) and AIR 1974 SC 2092, Ref. (Paras 53, 57 and 212"

26.Also, in the aforesaid decision at page 1742, it is observed as follows:

"Sections 73 and 74 of the Penal Code leave no room for doubt that solitary confinement is by itself a substantive punishment which can be imposed by a Court of Law. It cannot be left to the whim and caprice of prison authorities. The limit of solitary confinement that can be imposed under Court's order is strictly prescribed and that provides internal evidence of its abnormal effect on the subject.

Sub-Sec, (2), S.30, Prisons Act merely provides for confinement of a prisoner under sentence of death in a cell apart from other prisoners and he is to be placed by day and night under the charge of a guard. Such confinement can neither be cellular confinement nor separate confinement and in any event it cannot be solitary confinement. Sub-Sec (2) of S.30 does not empower the jail authorities in the garb of confining a prisoner under sentence of death, in a cell apart from all other prisoners, to

impose solitary confinement on him. Even jail discipline inhibits solitary confinement. It completely negatives any suggestion that because a prisoner is under sentence of death therefore, and by reason of that consideration alone, the jail authorities can impose upon him additional and separate punishment of solitary confinement. They have no power to add to the punishment imposed by the Court which additional punishment could have been imposed by the Court itself but has in fact been not so imposed. Upon a true construction, sub-sec.(2) of S.30 does not empower a prison authority to impose solitary confinement upon a prisoner under sentence of death."

27. Besides the above, in the aforesaid at page 1743, it is observed as follows:

"Personal liberty of the person who is incarcerated is to a great extent curtailed by punitive detention. It is even curtailed in preventive detention. The liberty to move, mix, mingle, talk,

share company with co-prisoners, if substantially curtailed, would be violative of Article 21 unless the curtailment has the backing of law. Sub-sec (2) of sec.30 establishes the procedure by which it can be curtailed but it must be read subject to interpretation. The word 'law' in the expression 'procedure prescribed by law' in Art.21 has been interpreted to mean in Maneka Gandhi's case. AIR 1978 SC 597 that the law must be right, just and fair, and not arbitrary, fanciful or oppressive. Otherwise it would be no procedure at all and the requirement of Art.21 would not be satisfied. If it is arbitrary it would be violative of Art. 14. Once S.30(2) is read down in this manner its obnoxious element is erased and it cannot be said that it is arbitrary or that there is deprivation of personal liberty without the authority of law."

28.Further, this Court aptly points out the decision of the Hon'ble Supreme Court in ***Mrs.Geetinder Kaur V. State of Punjab and others, 1985 CRI.L.J. 1640***, wherein the Hon'ble

Supreme Court had observed and held as under:

"While it is ordinarily desirable that a detenu - should be detained in an environment natural to him in point of climate, language, food and other incidents of living. in the actual decision concerning the place of detention, these considerations must yield to factors related to, and necessitated by, the need for placing him in preventive detention. Thus the conditions imposed upon a detenu held in preventive detention must not be punitive, they must nevertheless be such as to secure the effectiveness of his incarceration. The place of detention is a matter for the administrative choice of the detaining authority, and a Court would be justified in interfering with that decision only if it was in violation of any specific provision of the law or was vitiated by arbitrary considerations and malafides."

29.As far as the present case is concerned, the Petitioner's Husband Selvam had addressed a representation dated 06.10.2017

to the 1st Respondent (through 2nd Respondent) inter alia stating that if he was transferred to Central Prison, Puzhal, then, his wife and his younger son, would come and meet him once in a month and if his relatives can personally visit him, he would peacefully undergo the punishment period only after considering his request for transfer to Central Prison – 1, Puzhal. The 1st Respondent, as per order dated 13.04.2018, the Petitioner's Husband (Life Convict No.7900) was transferred from Central Prison, Salem to Special Sub Jail, Salem transitorily for a period of six months to interview his son and hence, he was admitted in Special Sub Jail, Poonamallee on 15.04.2008 and is lodged there. The Petitioner's Husband (Life Convict) can meet his wife and younger son without any inhibition/hindrane of any kind whatsoever, to ease out his mental stress/strain and to have a serene atmosphere free from all mundaneness, when they visit him at Special Sub Jail, Poonamallee, which is admittedly nearer to Porur where Petitioner's younger son (the Lift Convict's son) is undergoing his medical course in a Private Medical College.

30.In so far as the present case is concerned, the Petitioner's Husband is undergoing sentences in respect of cases S.C.No.392/

97, S.C.No.90/97, S.C.No.113/2000 and in Crime No.79/2015 of Anaimalai Police Station, a case was registered against him and remanded by the Learned Judicial Magistrate No.I, Pollachi on 13.05.2015 and was released on 28.07.2017. Further, the Petitioner's Husband Selvam (Life Convict) was imposed with several prison punishments because of the numerous prison offences committed by him. Only when the transfer of a prisoner from one prison to another is vitiated, by means of arbitrary considerations and mala fides, or if there is violation of any specific provision of Law, then only, a Court of Law can interfere. In the instant case, the Petitioner/Wife of the Life Convict Selvam cannot have a semblance of grievance because of the fact that he was transferred from Central Prison, Salem to Special Sub Jail, Poonamallee for a period of six months to interview his son and in fact, he was transferred by the 1st Respondent's communication dated 13.04.2018. To put it precisely, the Special Sub Jail, Poonamallee is nearer to Porur and when the Petitioner's younger son is studying medicine in a Private College, then, neither the Petitioner nor her younger son can be considered to be an 'Aggrieved person(s)', by any stretch of imagination. Moreover, the Petitioner (Wife) as well as her younger son can provide moral,

emotional and psychological support to the Life Convict [Husband and Father] at the time of their meeting in prison. In short, the order of the 1st Respondent dated 13.04.2018 does not suffer from any capriciousness, vice or mala fides. Per contra, the same is free from any flaw.

31. Apart from that, when the Respondents have come out with a plea that the Petitioner's Husband could not be transferred from Special Sub Jail, Poonamallee to that of Central Prison – 1 (Convict), Puzhal, owing to administrative and security reasons and all the more when the Petitioner's representation dated 06.10.2017 was virtually complied with by the 1st Respondent, by transferring the Petitioner's Husband – Selvam (Life Convict) from Central Prison, Salem to the Special Sub Jail, Poonamallee and also that, when the Petitioner's Husband – Selvam is not solitary confined, this Court comes to an inevitable conclusion that no prejudice, harm or inconvenience or hardship will be caused to the Petitioner's Husband – Selvam in lodging him at Special Sub Jail, Poonamallee (A nearer & convenient place to Porur) and therefore, the plea of the Petitioner to transfer her Husband – Selvam (Life Convict) from Central Prison, Salem to Central Prison, Puzhal, Chennai is not

acceded to by this Court. Viewed in that perspective, this Court closes the Habeas Corpus Petition.

32. In fine, the Habeas Corpus Petition is closed, in above terms.

(M.V., J.) (R.H., J.)
04.06.2018

Speaking order

Index : Yes

Internet : Yes

Sgl

To

1. The Additional Director General of Police & Inspector General of Prisons, Egmore, Chennai – 600 008.

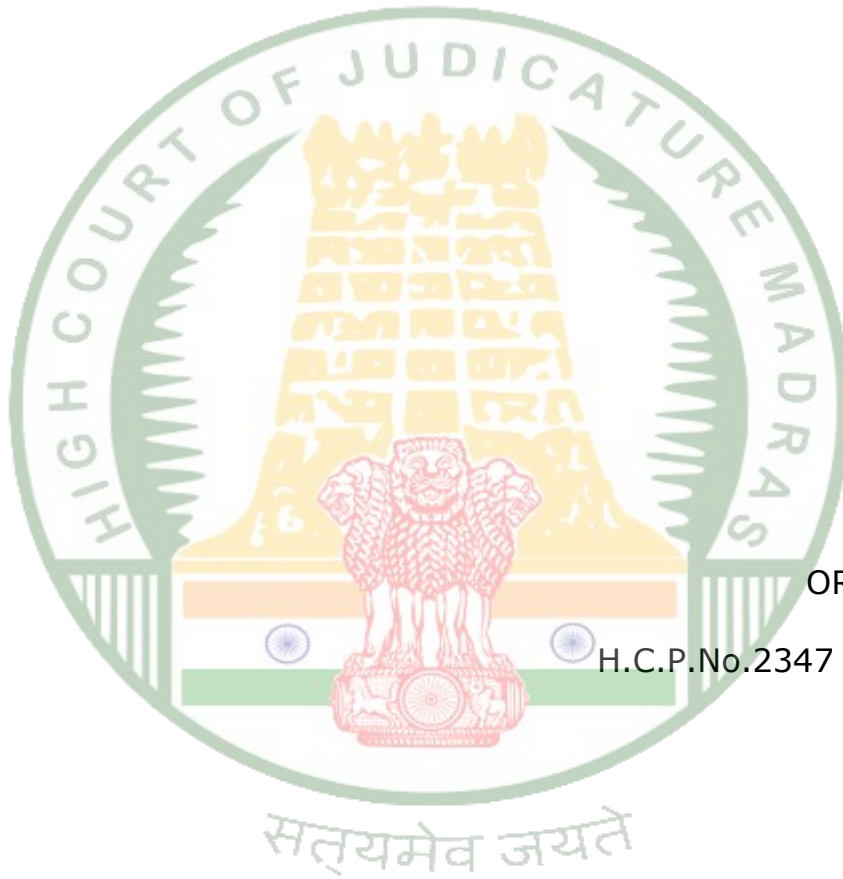
2. The Superintendent of Prisons, Central Prison, Salem.

3. The Public Prosecutor, High Court, Madras.

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M.VENUGOPAL, J.
and
R.HEMALATHA, J.

Sgl



ORDER IN
H.C.P.No.2347 of 2017

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