



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.03.2018

Coram :-

THE HON'BLE DR.JUSTICE S.VIMALA

and

THE HON'BLE MRS.JUSTICE T.KRISHNAVALLIHabeas Corpus Petition No.1870 of 2017

R.P.Ravi @ Ravichandran

... Petitioner

-vs-

1.State of Tamil Nadu,
Rep. By the Principal Secretary to Government,
Home (Prison V) Department,
Secretariat, Fort St. George,
Chennai.

2.The Additional Director General of Prison,
Egmore, Chennai.

3.The Deputy Inspector General of Prison,
Department of Prison,
Madurai Range, Madurai.

4.The Superintendent of Prison,
Central Prison,
Madurai.

... Respondents

Prayer: Writ petition under Article 226 of the Constitution of India is filed praying for issuance of a writ of Habeas Corpus, to call for the records pertaining to impugned order passed by the respondent No.3 dated 22.07.2017 in No.1510/UTHA2/2017 and quash the same as illegal and consequently direct the respondents to grant long leave or one month ordinary leave to the petitioner namely Ravi @ Ravichandran, (C.P.No.4967), who is undergone for more than 25 years of imprisonment to settle his property dispute.

For petitioner : Mr.T.Lajapathi Roy

For respondents : Mr.K.Chellapandian
Additional Advocate General assisted by
Mr.K.Dinesh Babu
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by S.Vimala,J.,)

The petitioner, who is the detenu, namely, R.P.Ravi @ Ravichandran, a life convict, has filed this petition challenging the order passed by the third respondent dated 22.07.2017, in which, his request for ordinary leave has been rejected.

2. The learned counsel for the respondents would submit that the case of the petitioner/detenu was rejected on the ground that the detenu is not entitled to the said leave, as he is involved in offence under Section 6(1-A) of the Wireless Telegraphy Act, 1933, and Section 12 of the Passport Act, 1967, which are the Acts coming within the purview of the Central Government and therefore, the petition is not maintainable. But, the learned counsel for the petitioner would submit that the petitioner is suffering life imprisonment in respect of the offence under Section 3(3), 3(4) (5) of TADA and in respect of the remaining offences, he has completed the sentence of two years each in respect of conviction for the offence under Section 212 IPC, 5 of Explosive Substances Act and Section 3(1) and Section 25 (1B) (a) of Arms Act. The learned counsel for the petitioner relied upon the Constitution Bench judgment of the Supreme Court reported in 2016 (7) SCC 1 (Union of India vs. Sridharan) whereunder the Supreme Court, after referring to Sections 432 to 435 of Cr.P.C. held that the conviction under various Central Acts, like Explosive Substances Act, Passport Act, Foreigners Act, Wireless Telegraphic Act were all for lesser terms, which has already been undergone and in respect of the offence under Section 302 IPC, which a State subject, the State Government is the appropriate Government. This decision is applicable to the facts of this case and therefore, the petitioner is entitled to maintain the petition as against the State Government.

3. The learned counsel for the petitioner also relied upon the legal opinion given by the learned Advocate General of Tamil Nadu in respect of a similarly placed prisoner suffering similar sentence and the opinion is that it is open to the Tamil Nadu Government to consider the case of the convict under the Tamil Nadu Rules. It is also represented that the said prisoner was later granted leave on the recommendation of the Tamil Nadu Government and therefore, this petitioner is also entitled to equal treatment and he must be granted leave.

4. The learned counsel for the petitioner would submit that even though leave was granted on a previous occasion for the purpose of property settlement, the petitioner was not allowed to move freely and as he was not able to attend the Registrar's Office, the purpose for which leave was granted was not useful and therefore, at least this time leave must be granted with liberty to attend the



Registrar's Office. The learned counsel also relied upon the representation made by the prisoner's mother stating that her son was not allowed to meet the Lawyers and was not allowed to attend the Registrar's Office.

5. This Court directed the respondent to verify whether the leave granted on a previous occasion had been utilized to attend the office of the Registrar and to find out whether any document has been executed and on verification, it is informed by the respondents that no such document has been registered by the petitioner herein.

6. The life threat to the petitioner is the main reason for the respondents to object to the grant of temporary leave. The occurrence for which the petitioner is suffering imprisonment took place long back. Therefore, the threat may not be imminent and may not be so serious, however, it is the duty of the respondents to provide sufficient security for the petitioner also, who is the citizen of India.

7. We are of the view that the prisoners are also entitled to certain rights, which are essential basic human rights, needed and to be exercised for planning their life. This prisoner is also entitled to equal protection of law and equal treatment on par with the prisoner, who is similarly placed in the same case. Therefore, the impugned order is set aside.

8. In view of the submissions made on either side, we are constrained to issue the following directions:

(i) The life convict Ravi @ Ravichandran shall be granted ordinary leave for a period of fifteen days and he should be taken by the escort police officials to be arranged by the Superintendent, Central Prison, Madurai, on 05.03.2018 at 10.00 a.m. to his mother's residence at No.56, Railway Feeder Road, Meenambigai Nagar, Aruppukottai - 626 101, Virudhunagar District and he should be brought back safely to the Central Prison, Madurai, before 6.00 p.m. on 19.03.2018. It is the responsibility of the escort police officials to take care of the safety and security of the life convict Ravi @ Ravichandran, during the said period and bring him back safely to the Central Prison, Madurai on 19.03.2018 before 6.00 p.m.

(ii) It is made clear that the detenu shall bear the cost of such arrangements of deploying escort police and other incidental expenses. The life convict Ravi @ Ravichandran/detenu during the said period shall not give any interview to the press, electronic media or to any journalists of any magazine and he should not meet or interact with any office-bearers or persons belonging to any banned outfits or any other banned organisations. It is also made clear that the life convict Ravi @ Ravichandran/detenu shall not make any comments or interview, particularly, in respect of the case, in which, he has been sentenced and awarded punishment.



(iii) The life convict/detenu is permitted to visit his properties and Registration Office for registering his properties as well as Meenakshi Temple, during the said leave period.

9. With the above directions, this Habeas Corpus Petition is disposed of.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Home (Prison V) Department,
Secretariat, Fort St. George,
Chennai.
- 2.The Additional Director General of Prison,
Egmore, Chennai.
- 3.The Deputy Inspector General of Prison,
Department of Prison,
Madurai Range, Madurai.
- 4.The Superintendent of Prison,
Central Prison,
Madurai.(In duplicate communicate to the detenu)
- 5.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No. 52136

Habeas Corpus Petition No.1870 of 2017
01.03.2018

RR

AM/SKN RSK/SAR 1/02.03.2018/4P/8C