

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24..07..2019

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

H.C.P.No.245 of 2019

Kalaimathi

..... Petitioner

Versus

- 1.The Secretary,
The Department of Prisons,
Fort St.George, Rajaji Road,
Chennai.
2. The Additional Deputy General of Prisons,
Department of Prisons,
Whannels Road,
Egmore,
Chennai - 600 008.
3. The Superintendent of Prisons,
The Central Prison,
Puzhal, Chennai.

..... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus, directing the respondents to consider petitioner's representation dated 11.01.2019 and direct the 3rd respondent herein to provide A-class prison to petitioners husband Mr.Govindarajan, son of Ethirajulu, who is undergoing imprisonment and under the custody of 3rd respondent herein as a Prisoner No.7373.

For Petitioner : Mr.S.Silambuselvan
For Respondents : Mr.C.Iyyappa Raj,
APP for RR1 to 3

ORDER

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

The petitioner is the wife of the convict, who is serving sentence for offence under the Prevention of Corruption Act. The petitioner is before this court with this petition seeking a direction to the respondents to provide 'A' Class facility to her husband pursuant to her representation made on 11.01.2019.

2. The learned counsel for the petitioner submitted that the convict had surrendered on 03.12.2018 and that maximum sentence imposed on the convict itself is for one year. The document produced, including the assessment orders, would entitle him to get A-class facility. Rule 225 of the Tamil Nadu Prison Rules, 1983, provides for the same. Therefore, this petition will have to be allowed.

3. The learned Public Prosecutor, on instructions from the Superintendent of Prison, submitted that the competent authority to take decision is the Government and that is why, action could not be taken earlier.

4. The petitioner gave a representation way back on 11.01.2019. The convict had already undergone about seven months of sentence out of one year awarded to him. Rule 225 stands on a different footing than that of Rule 227 of The Tamil Nadu Prison Rules, 1983. When a convict gives a representation before the Superintendent of Prison, then, the classification should take place even at that stage. Rule 227 of The Tamil Nadu Prison Rules, 1983, would apply when there is a case of reference from the Superintendent of Prison on a petition from a prisoner, such power could also be exercised suo motu by the Government. Inasmuch as the assessment orders passed by the Income Tax Authority, being public documents, which clearly show that the convict is accustomed to superior mode of living, we are inclined to allow this petition. Accordingly, the 3rd respondent is directed to provide 'A' Class facility to the detenu/convict.

In the result, this petition is disposed of with the above directions.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

kmk/pkn

To

1. The Secretary,
The Department of Prisons,
Fort St. George, Rajaji Road,
Chennai.

2. The Additional Deputy General of Prisons,
Department of Prisons,
Whannels Road, Egmore,
Chennai - 600 008.

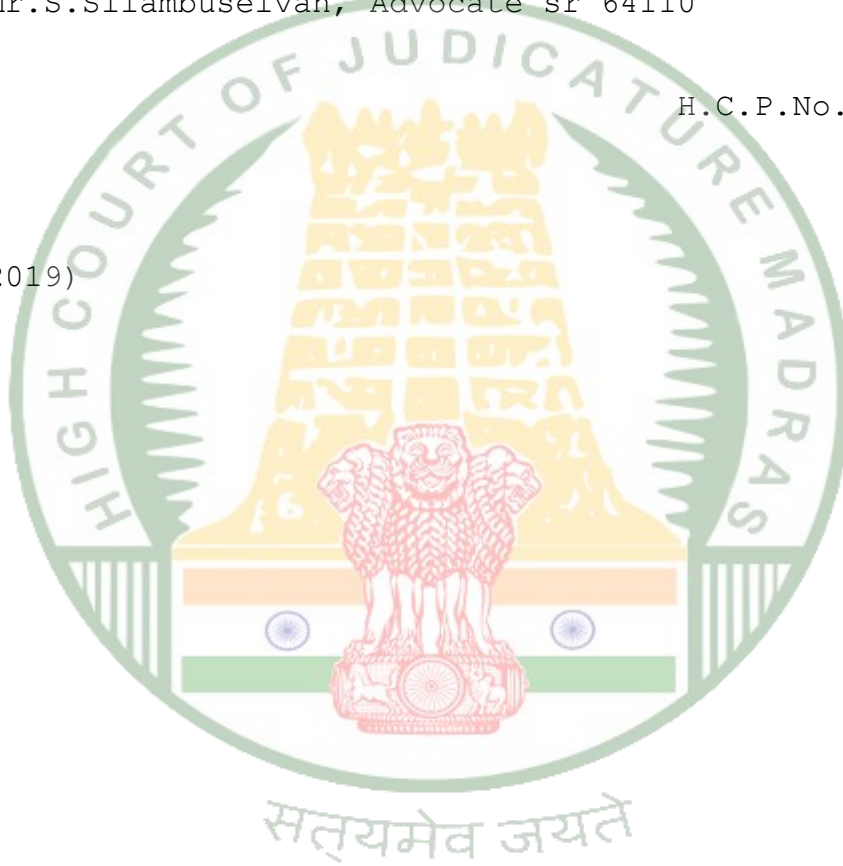
3. The Superintendent of Prisons,
The Central Prison,
Puzhal, Chennai.

4. The Public Prosecutor
High Court, Madras.

+1 CC to Mr.S.Silambuselman, Advocate sr 64110

H.C.P.No.245 of 2019

SVI (CO)
SP(20/08/2019)



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