

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.435 of 2019

Muthumari

Petitioner

Versus

State rep by.

1.The Secretary to Government
Home, Prohibition Enforcement Department
Secretariat, Chennai 600 009.

2.The Additional Director General of Police,
and Inspector General of Prisons,
Whannels Road, Egmore,
Chennai 600 008.

3.The Superintendent of Prison,
Central Prison,
Cuddalore.

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 transfer petitioner's husband Perumal @ Pethapperumal aged about 37 years (life convict No.O.T.D.No.2899) from Central Prison, Cuddalore 3rd respondent herein to Central Prison, Palayamkottai, Tirunelveli for the purpose of regular visit based on the petitioner's representation dated 10.01.2019.

For Petitioner : Mr.G,Anbuchezeayan

For Respondents: Mr.C.Iyyappa Raj

Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu. According to her, they recently got married specifically after getting permission for the said purpose by way of parole. The petitioner would submit that since the detenu is detained at Central Prison, Cuddalore and she is the resident of Sethurayan Pudur Post, Thirunelveli District, she is finding extremely difficult to visit the detenu

and hence came forward to file this Habeas Corpus Petition.

2. Notice was ordered on 01.03.2019 and in response to the same, the learned Additional Public Prosecutor has produced a communication of the Superintendent of Police, Central Prison, Palayamkottai addressed to the Superintendent of Police, Central Prison, Cuddalore, dated 25.03.2019 and in the said letter, it is stated that in the southern districts, there are frequent communal clashes. Considering the safety of the detenu and the fact that if the detenu is transferred to Central Prison, Palayamkottai, there may be some administrative difficulties and therefore, they are not inclined to grant consent.

3. The learned counsel appearing for the petitioner would submit that the transfer of the detenu to the Central Prison, Trichy, may be positively considered.

4. In response of the same, the learned Additional Public Prosecutor would submit that the said order can be passed as an order of this Court.

5. This Court taking into consideration the plea made by the petitioner/wife of the detenu as to the difficulty expressed by her to travel all a way from Thirunelveli to Cuddalore to meet the husband of the detenu, is of the considered view that the detenu shall be transferred from Central Prison, Cuddalore to Central Prison, Trichy and the Director General of Police (Prison), Whannels Road, Egmore, is directed to pass appropriate orders on or before 30.04.2019 and communicate the decision taken, to the petitioner.

6. The Habeas Corpus Petition stands disposed of with the above directions.

Sd/-

Assistant Registrar(imp cell)

//True Copy//

Sub Assistant Registrar

sk
To

1.The Secretary to Government
Home, Prohibition Enforcement Department
Secretariat, Chennai 600 009.

2.The Additional Director General of Police,
and Inspector General of Prisons,
Whannels Road, Egmore,
Chennai 600 008.

3.The Superintendent of Prison,
Central Prison, Cuddalore.

4.The Public Prosecutor
High Court, Madras.

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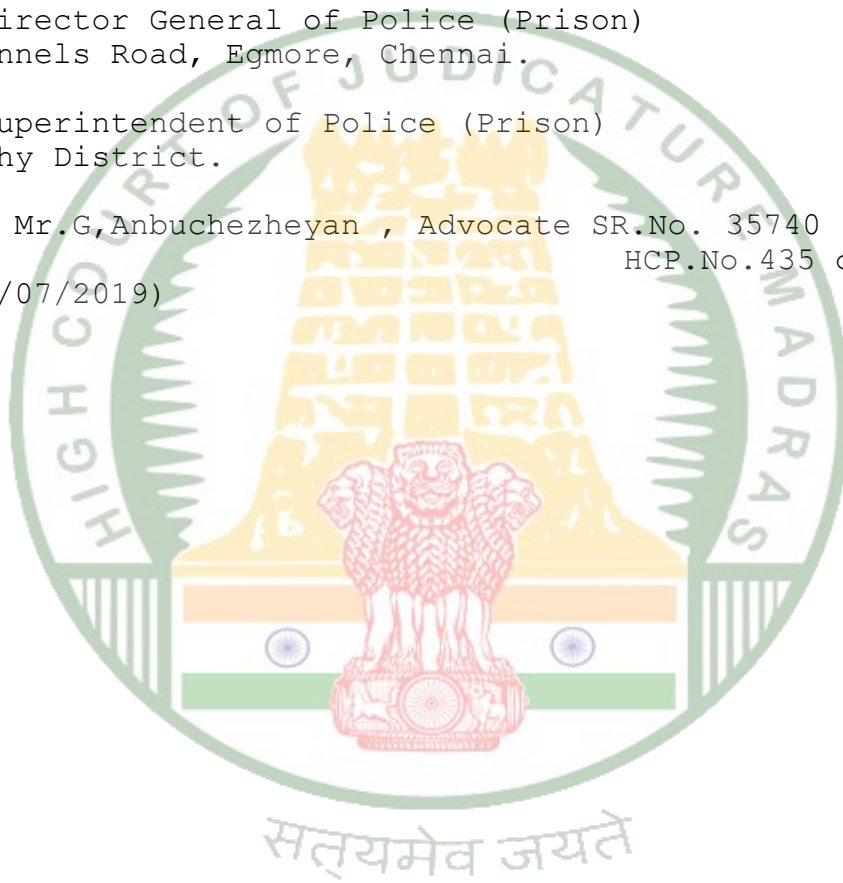
1.The Director General of Police (Prison)
Whannels Road, Egmore, Chennai.

2.The Superintendent of Police (Prison)
Trichy District.

+1cc to Mr.G,Anbuchezyan , Advocate SR.No. 35740

HCP.No.435 of 2019

A.SK(10/07/2019)



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