

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.07.2019

CORAM

THE HONOURABLE MR JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Habeas Corpus Petition No.2418 of 2017

S.Leena

... Petitioner

-Versus-

- 1.The Inspector General of Prison,
Government of Puducherry,
Jail Department, Puducherry.
- 2.The Chief Superintendent of Jails,
Government of Puducherry,
Jail Department, Puducherry.
- 3.The Superintendent of Central Prison,
Puducherry (Union Territory of Puducherry)

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to set the son of the petitioner by name S.Mani @ Manikandan, (Convict No.4954), Son of Sugunaraj, now, confined in Central Prison, Puducherry, liberty from solitary confinement and further directing the respondents to put him in common cell like other prisoners, now, confined in Central Prison, Puducherry.

For Petitioner

: Mr.Swami Subramanian

For Respondents

: Mr.Bharatha Chakravarthy,
Public Prosecutor
(Puducherry) for RR1 to 3

ORDER

[Order of the court was made by Justice M.M.SUNDRESH]

The petitioner has filed this petition, inter alia, alleging that the detenu, who is none other than his son, has been kept in solitary confinement.

2. A reliance has been made on the communication from the Chief Superintendent of Jails dated 05.06.2015. In the affidavit filed on behalf of the respondents, the following statement has been made:-

"I respectfully submit that the petitioner's son S.Mani @ Manikandan @ Murder Manikandan, Son of Sugunraj, is undergoing life sentence with effect from 05.04.2000 as Prisoner No.4954, upon being convicted in S.C.No.15 of 1999 and is currently lodged in Central Prison, Kalapet, Puducherry (Cr.No.104/1998). He is presently kept in Room No.18 along with three fellow prisoners.

It is respectfully submitted that the petitioner's son was transferred to the Special Sub Jail, Karaikal, in 2002, since he had instigated the other prisoners to observe hunger strike and created problems by threatening to commit suicide inside the prison and continued the same attitude repeatedly. It is pertinent to state here that he has further aided and abetted the criminals who are outside the Jail to commit crimes and therefore the Government of Puducherry has taken further decisions to transfer him to Special Sub Jail, Yanam, in October, 2011. Thereafter, he was brought to Central Prison, Kalapet from Special Sub Jail, Yanam, due to security reasons and also to attend the pending cases before the Hon'ble Courts in Puducherry, with effect from 25.11.2013.

3. Thus, as of now, the detenu has been kept in Room No.18 along with three fellow prisoners. Therefore, we do not find any basis for the writ petition.

In the result, this Habeas Corpus Petition is dismissed.
kmk

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To
1. The Inspector General of Prison,
Government of Puducherry,
Jail Department, Puducherry.

2.The Chief Superintendent of Jails,
Government of Puducherry,
Jail Department, Puducherry.

3.The Superintendent of Central Prison,
Puducherry (Union Territory of Puducherry)

+1cc to the Public Prosecutor (Puducherry) vide SR.No.61674

H.C.P.No.2418 of 2017

Kak (18/09/2019)



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