

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2019

CORAM:

The Honourable Mr. Justice M.M.SUNDRESH
and
The Honourable Mr. Justice RMT.TEEKAA RAMAN

Habeas Corpus Petition No.1946 of 2019

V.S.Sethu

... Petitioner

vs.

The Superintendent of Prison,
Central Prison - 1,
Puzhal, Chennai 600 066.

... Respondent

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, for a direction to the Respondent, to provide "A Class" facility to the Petitioner viz. V.S.Sethu, S/o.Vasudevan, aged about 52 years, convict Prisoner, Ct. No.2439, now confined in Central Prison-1, Puzhal, Chennai 600 066, based on his social status.

For Petitioner : Mr.P.Pugalenthir

For Respondent : Mr.R.Prathap Kumar,
Additional Public
Prosecutor

O R D E R

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

Petitioner, who is a Convict Prisoner vide Ct.No.2439, seeks a direction to the Respondent to provide "A" class facility to him, in accordance with Rule 225 of the Tamil Nadu Prison Rules, 1983.

2. The issue has been dealt with by a Division Bench of this Court in H.C.P.No.658 of 2015, by an order dated 14.03.2016, wherein, it has been held that in case, where the jurisdictional Court, which had rendered conviction, has not made any recommendation, the Convict is entitled to make a request through the Prison authorities to the State Government. Ultimately, it is for the State Government to consider the issue

of granting 'A' Class facility to the Convict.

3. Following is the operative portion of the order dated 14.03.2016 passed in H.C.P.No.658 of 2015.

"12. In view of the above, this Habeas Corpus Petition is disposed of, with the following terms:

(i). The respondent shall forward the representation of the petitioner, dated 24.02.2015, to the State Government within a period of four weeks from the date of receipt of a copy of this order.

(ii). On receipt of the said representation, the Government shall consider the same, independently, as per Rule 227 of the Tamil Nadu Prison Rules, 1983, strictly in accordance with law, by going in detail with regard to the eligibility of the petitioner for "A" class facility, then pass appropriate orders, within a further period of three months thereafter."

4. Thus, in the light of the aforesaid observation, a direction is issued to the Respondent to forward the Petitioner's representation dated 19.08.2019 to the State Government, within a period of four weeks from the date of receipt of a copy of this order, and on receipt of the same, the State Government shall consider the same as per Rule 227 of the Tamil Nadu Prison Rules, 1983, and pass appropriate orders within a period of three months.

The Habeas Corpus Petition is disposed of with the above direction.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

(aeb)
To:

1. The Superintendent of Prison,
Central Prison - 1,
Puzhal, Chennai 600 066.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Pugalenth, Advocate sr.82042

H.C.P.No.1946 of 2019

kk(co)
nr 30/10/2019



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