

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No.1968 of 2019

A.Balu

... Petitioner

-vs-

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

... Respondent

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondent to provide "A Class" facility to the petitioner namely A.Balu, S/o. Azhagarsami, aged 54 years, convict Prisoner Ct No. 2438 now confined in Central Prison - I, Puzhal, Chennai - 600 066.

For Petitioner : Mr.P.Pugalenth

For Respondent : Mr.R.Prathap Kumar
Addl. Public Prosecutor

ORDER

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

The petitioner has come forward to file this habeas corpus petition seeking a direction to the respondent to provide 'A' Class facility at Central Prison, Puzhal, Chennai on the basis of the representation dated 19.08.2019.

2.Considering the very same issue, this Court passed an order in HCP No. 1946 of 2019 dated 24.09.2019. The relevant

portion of the order reads as under:

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.

3.In view of the above, this habeas corpus petition also stands disposed of with a direction 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.

Sd/-
Asst.Registrar (CJ conf)

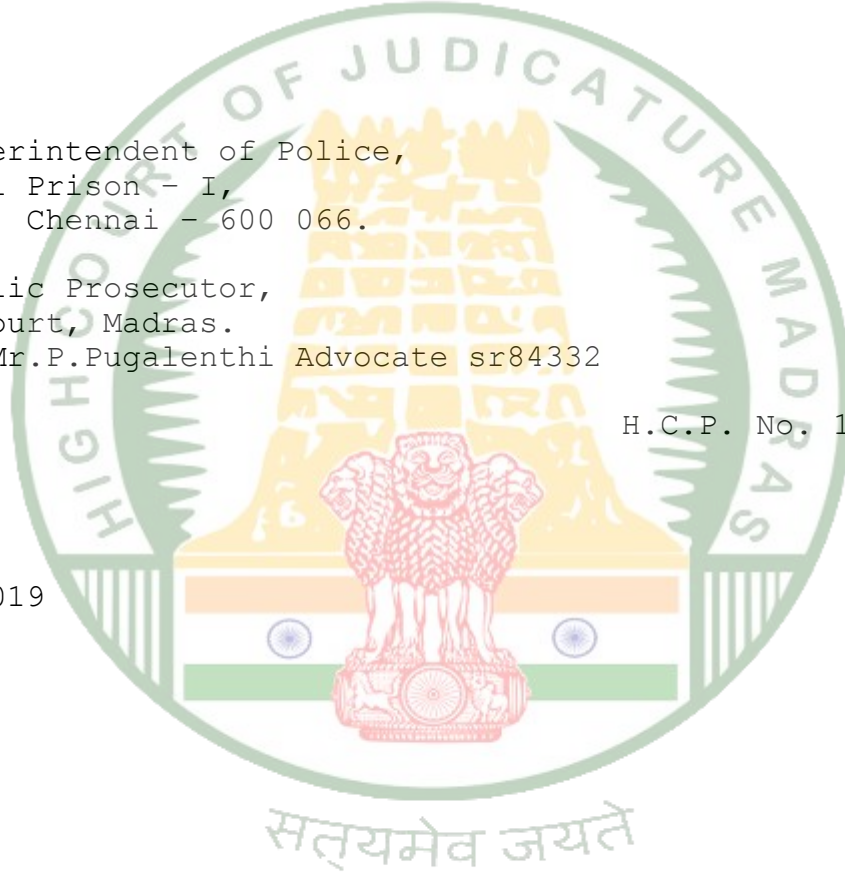
/true copy/
Sub Asst. Registrar

mmi/ssm
To

- 1.The Superintendent of Police,
Central Prison - I,
Puzhal, Chennai - 600 066.
 - 2.The Public Prosecutor,
High Court, Madras.
- +1 cc to Mr.P.Pugalthi Advocate sr84332

H.C.P. No. 1968 of 2019

mr(co)
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