

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2019

Coram

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

H.C.P. No. 2133 of 2019

Mariyappan

... Petitioner

-vs-

1.The Secretary to the Government,  
Home, Prohibition and Excise  
Department, Secretariat,  
Chennai- 9.

2.The Director General of Prison,  
Egmore, Chennai - 8.

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

4.The Superintendent of Sub Jail,  
Sub Jail, Poonamallee,  
Thiruvallur District.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to direct the respondents to transfer the petitioner's son namely Moorthi @ Brammamoorthi, aged about 26 years, now confined in Sub Jail, Poonamallee to Central Prison, Puzhal 2, Chennai.

For Petitioner : Mr.R.Sasikumar

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

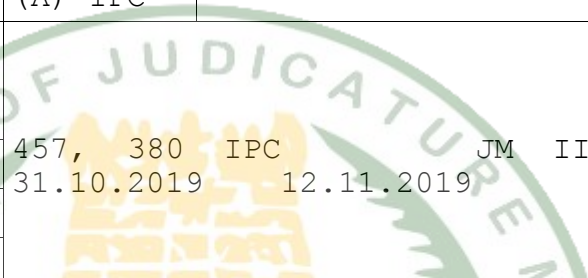
ORDER

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

Petitioner is the father of the detenu. Seeking his transfer from the Sub Jail, Poonamallee to Central Prison, Salem, the petitioner has filed the present habeas corpus petition.

2.On instructions, the learned Additional Public Prosecutor produced the following details:

| S.No. | Crime No. and PS                                | U/s                       | Court                   | Previous Hearing | Next Hearing               |
|-------|-------------------------------------------------|---------------------------|-------------------------|------------------|----------------------------|
| 1     | S7 PS Cr.No.297/19                              | 457,380 IPC JM Alandur    |                         |                  |                            |
| 2     | S7 PS Cr.No.298/19                              | 05.11.2019 19.11.2019     |                         |                  |                            |
| 3     | S7 PS Cr.No.301/19                              |                           |                         |                  |                            |
| 4     | S7 PS Cr.No.302/19                              |                           |                         |                  |                            |
| 5     | S8 PS Cr.No.233/19                              |                           |                         |                  |                            |
| 6     | S10 PS Cr.No.748/19                             |                           |                         |                  |                            |
| 7     | Karumalai Koodal PS Cr.No. 429/13 PRC No. 22/16 | 147,148, 294 (b), 307 IPC | JM II Mettur 21.11.2019 |                  | 08.11.2019                 |
| 8     | Cr.No.164/19                                    | 457, 380 IPC              |                         |                  |                            |
| 9     | Sooramangalam PS Cr.No.260/19                   | 457,380                   | JM II Salem             | 2.11.2019        | 15.11.2019 (first hearing) |

| S.No. | Crime No. and PS                  | U/s                                                                                                                                         | Court           | Previous Hearing | Next Hearing    |
|-------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------|-----------------|
| 10    | Sooramangalam PS<br>Cr.No.284/19  |                                                                                                                                             | Warrant hearing |                  | PT<br><br>First |
| 11    | Pallapatti PS<br>Cr.No.249/19     |                                                                                                                                             |                 |                  |                 |
| 12    | Sooramangalam PS<br>Cr.No.294/19  | 363(a),<br>147, 364<br>(A) IPC                                                                                                              |                 |                  |                 |
| 13    | Magudanchavadi PS<br>Cr.No.173/19 | <br>457, 380 IPC JM II Sankari<br>31.10.2019 - 12.11.2019 |                 |                  |                 |
| 14    | Cr.No.148/11                      |                                                                                                                                             |                 |                  |                 |
| 15    | Cr.No.183/11                      |                                                                                                                                             |                 |                  |                 |
| 16    | Cr.No.106/11                      |                                                                                                                                             |                 |                  |                 |

3.From the above, we could see that more number of cases are pending within the District of Salem. Therefore, even for the administrative reason, it would be appropriate to transfer the detenu to the Central Prison, Salem. This would avoid making him to undergo travel from the Sub Jail, Poonamallee to Central Prison, Salem whenever the case hearing takes place. Therefore, both in terms of convenience and also on the administrative ground, it would only be appropriate to transfer the detenu to Central Prison, Salem.

4.In such view of the matter, we direct the fourth respondent to transfer the detenu to Central Prison, Salem though the prayer is to transfer him to Central Prison, Puzhal, Chennai, which we are not inclined to consider.

5.Taking into consideration the fact that cases pending before the Judicial Magistrate No.II, Mettur and Judicial Magistrate No.II, Salem by way of committal proceedings are still not yet over, those cases have been registered years before, we direct these two Courts to complete the committal process within a period of six weeks from the date of receipt of a copy of this order.

6.With the above direction, this habeas corpus petition stands disposed of.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Secretary to the Government,  
Home, Prohibition and Excise  
Department, Secretariat, Chennai - 9.

2.The Director General of Prison,  
Egmore, Chennai - 8.

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

4.The Superintendent of Sub Jail,  
Sub Jail, Poonamallee,  
Thiruvallur District.

5.The Superintendent,  
Central Prison, Salem.

6.The Judicial Magistrate No.II,  
Mettur.

7.The Judicial Magistrate No.II,  
Salem.

8.The Public Prosecutor,  
High Court, Madras.

+lcc to Mr.R.Sasikumar , Advocate SR.No. 95499

H.C.P. No.2133 of 2019

A.SK(19/11/2019)