

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2019

Coram

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

H.C.P. No. 2214 of 2019

P.Shanthi

... Petitioner

-vs-

1.The Superintendent of Prison,
Salem Central Prison,
Salem District.

2.The Superintendent of Prison,
Central Prison, Coimbatore.
(R2 suo motu impleaded as per
order in HCP 2214/2019 dt 1/11/19)

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to the respondent to set off the pre-trial incarceration period u/s 428 Cr.P.C from 27.11.2007 to 09.11.2008 (348 days) already undergone in Sessions Case No.80/2008 on the file of the Additional District and Sessions Judge, (F.T.C-1) Erode by the detenu (petitioner's husband) A.Palaniswamy @ Palaniyappan, S/o. Andiyappan (Convict Prisoner No.6961) now confined in Central Prison, Salem.

For Petitioner : Mr.P.Muthamizh Selvakumar

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

ORDER

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

The petitioner is the wife of the convict. Seeking to set off the pre-trial incarceration under Section 428 Cr.P.C from 27.11.2007 to 09.11.2008 in Sessions Case No.80/2008 on the file of the Additional District and Sessions Judge, (F.T.C-1) Erode, the present Habeas Corpus Petition has been filed.

2. Placing reliance upon the written instructions, the learned Additional Public Prosecutor submitted that the convict underwent pre-trial incarceration for the aforesaid period of 349 days at the Central Prison, Coimbatore. Therefore, for the aforesaid period, the convict is entitled for set off.

3. Taking note of the above submission and the instruction given by the Superintendent, Central Prison, Coimbatore in No.13834/MK3/19 dated 01.11.2019, the period of 349 days for which the convict has undergone incarceration at the Central Prison, Coimbatore is directed to be set off against the conviction rendered in Sessions Case No.80/2008 on the file of the Additional District and Sessions Judge, (F.T.C-1) Erode.

4. In view of the above, the Habeas Corpus Petition stands disposed of.

Sd/-
Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Superintendent of Prison,
Salem Central Prison,
Salem District.

2.The Superintendent of Prison,
Central Prison, Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 2214 of 2019

(CO)
CSR (18/12/2019)

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