

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2474 of 2019

Indira
W/o.Rajini @ Parthiban

... Petitioner

Vs

- 1.State of Tamil Nadu
represented by its Secretary,
Home (Prison) Department,
Fort St.George, Chennai - 600009.
- 2.The Additional Director General of Police
and Inspector General of Prison,
Tamil Nadu Prison Department,
Gandhi-Irwin Road,
Egmore, Chennai - 600008.
- 3.The Superintendent of Prison,
Central Prison, Palayankottai,
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the second respondent to transfer the petitioner's husband viz., Rajini @ Parthiban S/o.Rathinam, aged 40 years, life convict No.6125, from Central Prison, Palayankottai to Central Prison, Vellore.

For Petitioner : Mr.M.R.Senthilkumar
For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner, who is the wife of Rajini @ Parthiban S/o.Rathinam, aged 40 years, life convict No.6125, has filed the present petition seeking a direction to second respondent to transfer her husband from Central Prison, Palayankottai to Central Prison, Vellore.

2. Learned counsel for petitioner submits that the petitioner's husband was convicted for offences u/s.120B, 449, 341, 302 and 506(ii) r/w 109 IPC and sentenced to life imprisonment under judgment of learned I Additional Sessions Judge, Thiruvallur, passed in S.C.No.140 of 2007 and 141 of 2007 dated 21.12.2015 and presently, confined at Central Prison, Palayankottai. Petitioner and her children are residing at Tiruvallur. Petitioner's husband is ailing from heart disease and is taking treatment for the past 2 years. Since her husband is confined at Central Prison, Palayankottai, she finds it difficult to meet him and hence, she submitted a representation dated 26.08.2019 to the second respondent seeking transfer of her husband from Central Prison, Palayankottai to Central Prison, Vellore. But, no action was taken on such representation. Hence, the present petition has been filed seeking the aforesaid relief.

3. Heard learned Additional Public Prosecutor appearing for respondents on the above submissions.

4. Considering the submissions made as also taking note of the fact that no action has been taken on the petitioner's representation, this Court directs the petitioner to submit a fresh representation to the second respondent within a period of two weeks from the date of receipt of this order and on receipt of the same, the second respondent shall pass orders on merits and in accordance with law within a period of two weeks thereafter.

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

sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The Secretary
State of Tamil Nadu
Home(Prison) Department
Fort St.George Chennai-9

2.The Additional Director General of Police
and Inspector General of Prison
Tamil Nadu Prison Department
Gandhi Irwin Road
Egmore, Chennai-8

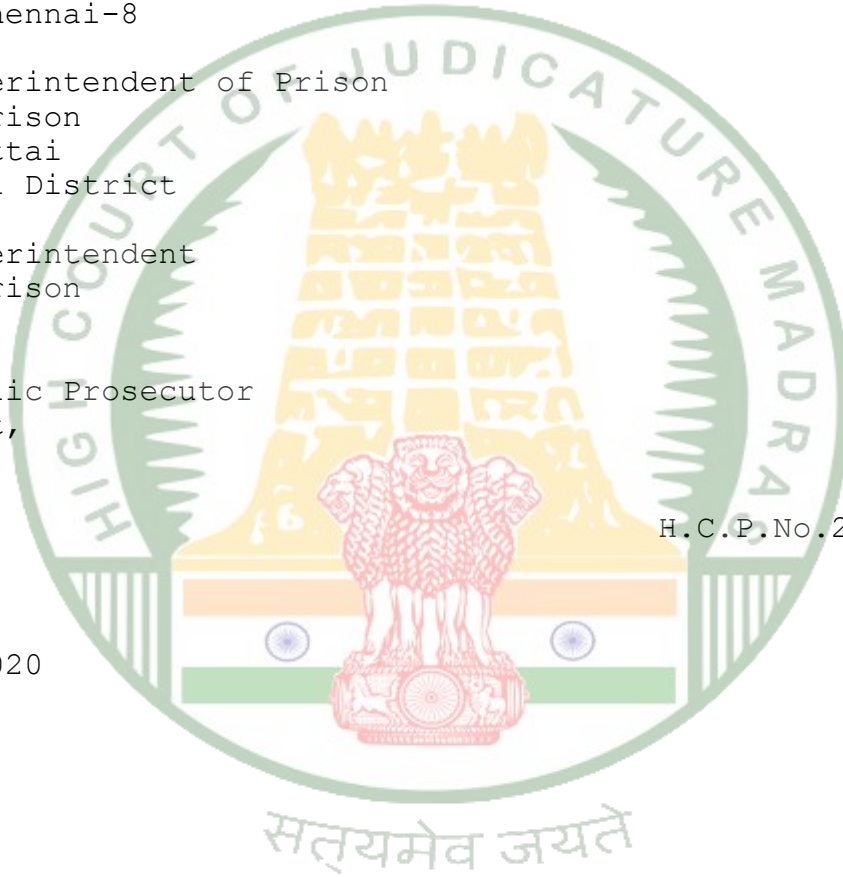
3.The Superintendent of Prison
Central Prison
Palayankottai
Trinelveli District

4.The Superintendent
Central Prison
Vellore

5.The Public Prosecutor
High Court,
Madras

H.C.P.No.2474 of 2019

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