



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD)No.1788 of 2019

M.Packialakshmi

... Petitioner

Vs.

1.The Chief Secretary of Government,
Tamil Nadu Government Chief Secretariat,
Fort.St.George, Chennai 625 009.

2.The Principal Secretary Government,
Home (Prison) Department,
Tamil Nadu Government Chief Secretariat,
Fort St.George, Chennai - 625 009.

3.The Additional Director General of Police/
Inspector General of Prisons,
No.1. Gandhi Irvin Road,
Egmore, Chennai - 625 009.

4.The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to transfer the petitioner's husband Muthu, S/o.Muniasamy C.P.No.15609 a life convict presently confined in Cuddalore Central Prison to Madurai Central Prison.

For Petitioner : Mr.C.Jeganathan,
for M/s.Veera Associates.

For Respondents : Mr.R.Anandharaj,
Additional Public Prosecutor.

ORDER

This writ petition has been filed for a direction, directing the respondents to transfer the petitioner's husband from Cuddalore Prison to Madurai Central Prison, who was already sentenced to imprisonment in a murder case.



2.It is seen that the husband of the petitioner was charged for the offence under Section 302 IPC r/w 148 of IPC and convicted by the learned Additional District and Sessions Judge(FTC, No.III), Madurai in S.C.No.132, dated 30.09.2009 and sentenced him to undergo life imprisonment. Therefore, he was in Central Prison, Madurai from 30.09.2009. Due to his bad conduct, he was transferred to the Cuddalore Central Prison from 29.05.2015.

3.The learned counsel for the petitioner submitted that the petitioner being the wife and her daughter submitted a representation to the respondents to transfer the prisoner from Cuddalore Central Prison to Madurai Central Prison for the reason that the petitioner and her family members are find it very difficult and are suffering much hardship to travel to Cuddalore to see her husband. Further, the petitioner has two female children aged about 20 years and as such, they are unable to go to Central Prison Cuddalore. Thereafter, the petitioner filed the present petition and while which is pending, her husband was transferred from Central Prison, Cuddalore to Central Prison Madurai. Now, he is incarceration in Central Prison Madurai.

4.The learned Additional Public Prosecutor appearing for the respondents submitted that due to his bad conduct in the Prison, he has been permanently transferred to Cuddalore Central Prison. The petitioner's representation forwarded to the fourth respondent herein.

5.Considering the facts and circumstances of the case and also the humanitarian ground, the third respondent is directed to consider the request of the petitioner and pass appropriate orders on merits and in accordance with law. It is made clear that till the order passed by the third respondent, the petitioner's husband shall not be transferred to the Central Prison, Cuddalore.

6.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

das



To

1.The Chief Secretary of Government,
Tamil Nadu Government Chief Secretariat,
Fort.St.George, Chennai 625 009.

2.The Principal Secretary Government,
Home (Prison) Department,
Tamil Nadu Government Chief Secretariat,
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3.The Additional Director General of Police,
Inspector General of Prinsosn
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Egmore, Chennai - 625 009.

4.The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore District.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-97301[F] dated
11/11/2019)

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