

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

W.P.No.2982 of 2020

1. Masoud Mosavi (Iranian)
2. Mahmood Zaffrany (Iranian) ... Petitioners

Vs.

1. The Director General of Police,
Thalamuthu Maligai,
Egmore, Chennai - 600 008.
2. The Inspector General of Prison,
Thalamuthu Maligai,
Egmore, Chennai - 600 008.
3. The Superintendent of Puzhal,
Prison - 1,
Chennai - 600 066. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India , to issue a Writ of Mandamus directing the second respondent to consider the petitioners representation dated on 09.11.2019 for getting the permission to purchase of food supplements and to the cook separately.

For Petitioners : Mr. S.Senthilkumar

For Respondents : Mr. M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus directing the second respondent to consider the petitioners representation dated on 09.11.2019 for getting the permission to purchase of food supplements and to cook separately.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

3. The learned counsel for the petitioners has submitted that the petitioners were convicted by the Additional District and Sessions Judge, Pudukkottai in C.C.No.44 of 2013, (Special Court for the offences under Sections 8 (c), r/w 22 (c) for E.C and N.D.P.S Act) on 09.03.2018. He further submitted that against the said judgment of conviction, the petitioners have filed Crl.A.No.174 of 2018 before the Madurai Bench of Madras High Court and the same was also dismissed on 18.10.2019. He further submitted that in pursuance of the said judgments, the petitioners were lodged in the Central Prison, Puzhal. He further submitted that as per the judgment of the Trial Court, the petitioners have to undergo rigorous imprisonment for 20 years each and also liable to pay a fine of Rs.1,00,000/- (Rupees one Lakh) each in default to undergo rigorous imprisonment for 3 years each. He further submitted that the petitioners are in judicial custody from 22.03.2013. He further submitted that the petitioners being the N.R.I (IRANIAN) getting the 'A' Class prisons for 6 years and being granted permission to cook separately and also used to buy food supplements by own cost. Hence they have submitted a representation to the second respondent on 09.11.2019 seeking permission to continue the same, but so far, no orders passed. Therefore, he requests to direct the second respondent to consider the petitioners' representation and to pass appropriate orders.

4. The learned Additional Public Prosecutor has submitted that the jail manual does not permit the prisoners to purchase food supplements and to cook separately and hence he requests to dismiss the petition.

5. In the affidavit filed in support of this petition or in the writ petition, the petitioners have not pointed out the provision of law under which they are entitled to get the aforesaid relief. The learned counsel for the petitioners also not able to show the provision of law or any Rule under the jail manual which permits the petitioners to cook separately by purchasing the food materials out of order by their own cost. This Court does not find any merit in this petition. Hence this Writ Petition is dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

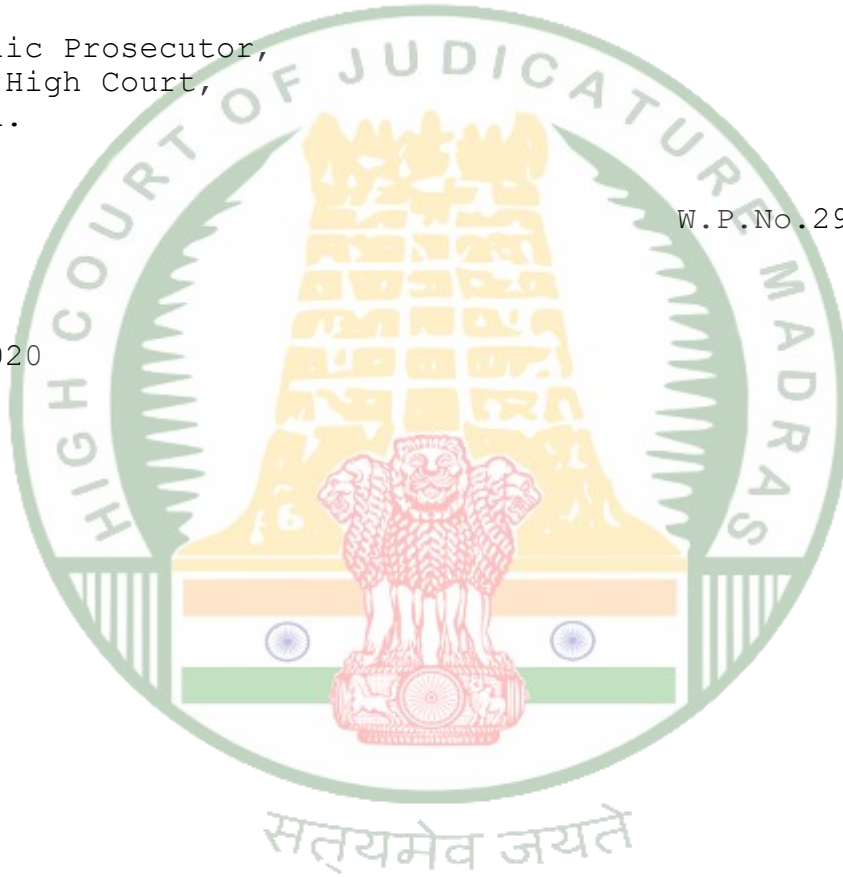
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To

1. The Director General of Police,
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Egmore, Chennai - 600 008.
2. The Inspector General of Prison,
Thalamuthu Maligai,
Egmore, Chennai - 600 008.
3. The Superintendent of Puzhal,
Prison - 1, Chennai - 600 066.
4. The Public Prosecutor,
Madras High Court,
Chennai.

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