

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No.1966 of 2020

Sengkodi

...Petitioner

-vs-

1. State Rep. by
The Secretary
Department of Home,
Fort St.George, Chennai - 9.
2. The Additional Director General of Prison,
Chennai - 08.
3. The Superintendent of Prison,
Central Prison, Puzhal - I,
Chennai - 66.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus directing the respondents to remove the detenu Sundaramoorthy, S/o.Vedi, aged about 52 years, TADA prisoner from solitary confinement by allowing him to confine him at High Security Block, Central Prison, Puzhal I, allowing him to mingle with other High Security Block prisoner.

For Petitioner .. Mr.R.Sankarasubbu

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

ORDER

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

The petitioner herein, being the practising advocate, has come forward to file this habeas corpus petition on behalf of the convict, by name, Sundaramoorthy, inter alia, alleging that he has been lodged in a cellular block contrary to law.

2.Mr.R.Sankara Subbu, learned counsel appearing for the petitioner submitted that the convict prisoner was initially lodged in the high security block. Thereafter, he was shifted to the cellular block. The aforesaid action on the part of the

respondents cannot be sustained in the eye of law. There cannot be a solitary confinement for a prisoner which is not permissible under law, particularly in the light of the judgment in Sunil Batra II vs. Delhi Administration (1980 SCC (CRI) 777).

3. Learned Additional Public Prosecutor appearing for the State placing reliance upon the counter affidavit submitted that the relief sought for no longer survives. The life convict was initially lodged in the high security block in accordance with Rule 302 (b) (4) of the Tamil Nadu Prison Rules, 1983 and on the request made by him by way of petition dated 14.12.2019, he has been shifted to cellular block. The cellular block is not confined to solitary confinement which is factually incorrect. In any case, the prisoner was once again shifted back to the Association block on 05.11.2020 which is of dormitory type where another life convict prisoner by name Krose @ Venkatagiri is also lodged. Therefore, the petition deserves to be dismissed.

4. The grievance of the petitioner no longer survives. We are not inclined to say anything on the pendency of the case registered against the convict in Crime No.472 of 2019. The earlier action was taken in accordance with Rule 302 (b) (4) of the Tamil Nadu Prison Rules, 1983. Even the said situation which was available at the time of filing the habeas corpus petition does not exist as of now. Thereafter, the prisoner was once again shifted back to the Association block on 05.11.2020 which is of a dormitory type where another life convict is also lodged. Thus, there is no basis for the present habeas corpus petition. Accordingly, the habeas corpus petition stands closed. We make it clear that the order passed by us in this habeas corpus petition will not stand in the way of the respondents in considering the convict's representation to go back to the high security block.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary
Department of Home,
Fort St. George, Chennai - 9.
2. The Additional Director General of Prison,
Chennai - 08.
3. The Superintendent of Prison,
Central Prison, Puzhal - I,
Chennai - 66.

4. The Public Prosecutor,
High Court, Madras.

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NR(CO)
RV(22/12/2020)



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