

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

H.C.P.No.2169 of 2020

Mahabooba Jailani ... Petitioner

Vs

- 1.The State rep. by its ... Respondents
Home Secretary (Prison),
Home Department of State,
Secretariat, Fort St. George,
Chennai - 9.
- 2.The Director General of Prison
and Inspector General of
Prison, Whannels Road,
Egmore, Chennai - 8.
- 3.The Deputy Inspector General
(Chennai Range),
Office of the Chennai Range DIG,
Gandhi Irwin Road, Egmore,
Chennai - 8.
- 4.The Superintendent of Prison,
Puzhal Central Prison I,
Puzhal, Chennai - 66.

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the 4th respondent to provide the A Class facility to the convict/husband of the petitioner namely M.Mohamed Ali, S/o.Mohamed Yunus (CT No.7873) confined at Central Prison, Puzhal I immediately.

For Petitioner : Mr.M.Mohamed Saifulla

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

ORDER

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

The petitioner has come forward to file this habeas corpus petition seeking a direction to the fourth respondent to provide 'A' Class facility at Central Prison, Puzhal, Chennai on the basis of the representation dated 27.10.2020.

2.Considering the very same issue, this Court passed an order in HCP No. 1946 of 2019 dated 24.09.2019. The relevant portion of the order reads as under:

2.The issue has been dealt with by a Division Bench of this Court in H.C.P.No.658 of 2015, by an order dated 14.03.2016, wherein, it has been held that in case, where the jurisdictional Court, which had rendered conviction, has not made any recommendation, the Convict is entitled to make a request through the Prison authorities to the State Government. Ultimately, it is for the State Government to consider the issue of granting 'A' Class facility to the Convict.

3. Following is the operative portion of the order dated 14.03.2016 passed in H.C.P.No.658 of 2015.

"12. In view of the above, this Habeas Corpus Petition is disposed of, with the following terms:

(i). The respondent shall forward the representation of the petitioner, dated 24.02.2015, to the State Government within a period of four weeks from the date of receipt of a copy of this order.

(ii). On receipt of the said representation, the Government shall consider the same, independently, as per Rule 227 of the Tamil Nadu Prison Rules, 1983, strictly in accordance with law, by going in detail with regard to the eligibility of the petitioner for "A" class facility, then pass appropriate orders, within a further period of three months thereafter."

4. Thus, in the light of the aforesaid observation, a direction is issued to the Respondent to forward the Petitioner's representation dated 19.08.2019 to the State Government, within a period of four weeks from the date of receipt of a copy of this order, and on receipt of the same, the State Government shall consider the same as per Rule 227 of the Tamil Nadu Prison Rules, 1983, and pass appropriate orders within a period of three months.

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

3. In view of the above, this habeas corpus petition also stands disposed of with a direction to the fourth respondent to forward the Petitioner's representation dated 27.10.2020 to the State Government, within a period of four weeks from the date of receipt of a copy of this order, and on receipt of the same, the State Government shall consider the same as per Rule 227 of the Tamil Nadu Prison Rules, 1983, and pass appropriate orders within a period of three months.

-Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar

mmi/ssm

To

1. The Home Secretary (Prison),
Home Department of State,
Secretariat, Fort St. George,
Chennai - 9.
2. The Director General of Prison
and Inspector General of
Prison, Whannels Road,
Egmore, Chennai - 8.
3. The Deputy Inspector General
(Chennai Range),
Office of the Chennai Range DIG,
Gandhi Irwin Road, Egmore,
Chennai - 8.

4.The Superintendent of Prison,
Puzhal Central Prison I,
Puzhal, Chennai - 66.

5.The Public Prosecutor,
High Court, Madras.

6.The Joint Secretary to Government,
Public Law & Order,
Fort Saint George,
Chennai-600 009.

H.C.P.No.2169 of 2020

UM (CO)
UM (15.12.2020)



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