

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2020

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Cr1.O.P.No.18391 of 2020

J.Sabura Begum
W/o, Abdul Khader @ Mannadi Khader @ Khader,
No.159/2, TKH Homes,
East Coast Road,
Enjambakkam,
Chennai - 115.

...Petitioner

-Vs-

1. The State Rep. By
The Superintendent of Central Prison,
Cuddalore.

2. State rep. By
The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai.
(Crime No.956/2020)

.... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to issue a suitable direction to the respondents to consider the petitioner's representation dated 07.11.2020 seeking for "A" class facility in prison to the petitioner husband namely Abdul Khader @ Mannadi Khader @ Khader, son of Mohamed Kasim, now confined in Central Prison, Cuddalore in above Crime No.956 of 2020.

For Petitioner : Mr.A.P.Sathyamoorthy

For Respondents : Ms.M.Prabhavathi
Additional Public Prosecutor

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O R D E R

The Criminal Original Petition has been laid by the petitioner seeking to issue a suitable direction to the respondents to consider her representation dated 07.11.2020 seeking for "A" class facility in prison to the petitioner's husband namely Abdul Khader @ Mannadi Khader @ Khader,, son of Mohamed Kasim, now confined in Central Prison, Cuddalore in Crime No.956 of 2020.

2. It is the case of the petitioner that the abovesaid case has been falsely registered against her husband and her husband hails from a respectable family and carrying on business in the field of Iron and Steel with good name and reputation and also he is an income tax assessee. Accordingly, her husband would be titled to be classified as a special prisoner as per Rule 815, of the Prison Manual and accordingly commensurating with her husband's status and reputation and considering the lifestyle which her husband had been living before incarceration, accordingly, putforth that a representation dated 07.11.2020 has been given to the respondents to provide necessary reliefs to her husband while confined in Central Prison, Cuddalore.

3. At the time, when the matter is taken up for hearing, it is represented by the Additional Public Prosecutor that if the petitioner's husband is entitled to seek for 'A' class facility in accordance with law as projected by the petitioner, prayed that the Hon'ble Court may direct the first respondent to consider the representation of the petitioner with reference to the representation dated 07.11.2020 and pass appropriate orders as per law.

4. The petitioner's counsel would also submit that he would be satisfied if the petitioner's representation is disposed of by the first respondent in accordance with law.

5. Considering the limited scope of the reliefs sought for by the petitioner and when it is the domain of the first respondent to consider whether the petitioner's husband is entitled to be classified as a Special Prisoner and provided with 'A' class facility in prison, taking into consideration of the abovesaid factors in toto, in my considered opinion and in this interest of justice, a suitable direction should be given to the first respondent to consider the representation dated 07.11.2020 of the petitioner and dispose of the same in accordance with law.

6. For the reasons aforesaid, the first respondent is directed to consider the representation of the petitioner dated 07.11.2020 seeking for 'A' class facility in prison to her husband namely Abdul Khader @ Mannadi Khader @ Khader, now confined in Central Prison, Cuddalore in Crime No.956 of 2020 within a period of four weeks from the date of receipt of a copy of this order and dispose of the same in accordance with law.

7. Accordingly, the Criminal Original Petition is disposed of.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

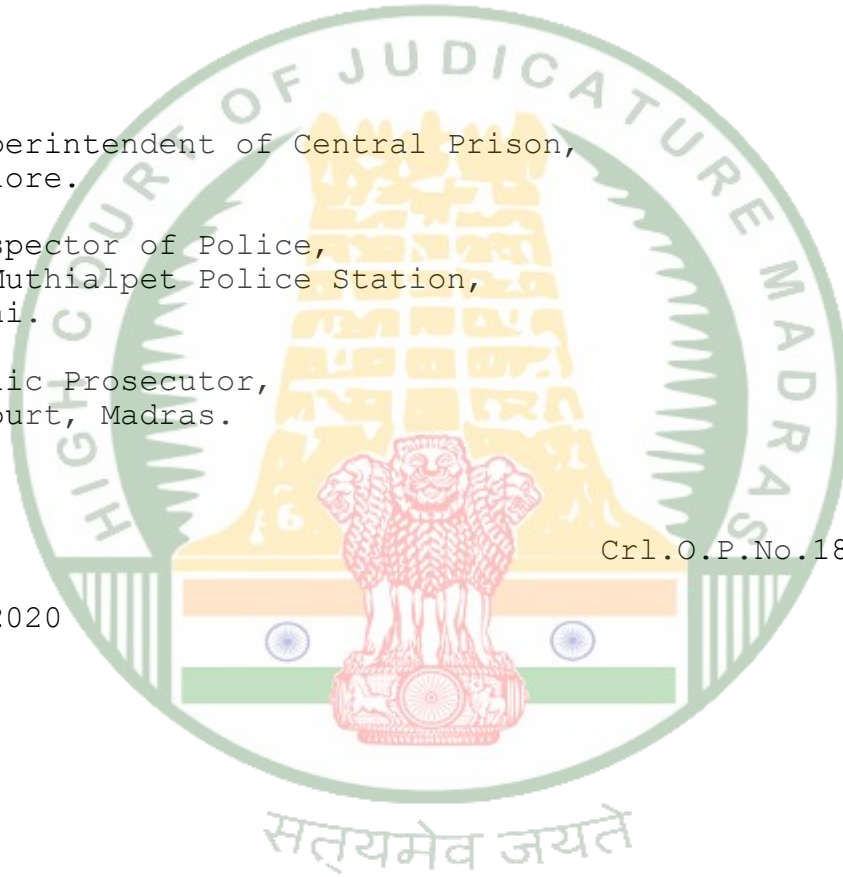
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To

1. The Superintendent of Central Prison,
Cuddalore.
2. The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

UM(CO)
cs 19/12/2020

Cr1.O.P.No.18391 of 2020



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