



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2020

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD) .No.5634 of 2020

A.Preskovia

.. Petitioner

Vs.

1.The Additional Director General of Police &
Inspector General of Prisons,
Whannels Road, Egmore, Chennai.

2.The District Collector,
Pudukkottai District.

3.The Superintendent of Prison,
Trichy Central Prison,
Trichy.

4.The Superintendent of Prison,
Madurai Central Prison,
Madurai.

.. Respondents

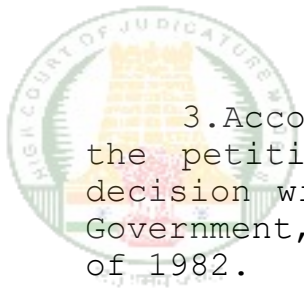
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to transfer the petitioner's husband Anand S/o. Karnan, TPDA No.8953 from Trichy Central Prison to Madurai Central Prison.

For Petitioner : Mr.N.Karthik Kanna
For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who is the wife of an accused in Crime No.21 of 2020, on the file of the Inspector of Police, Keeranur Police Station, Pudukkottai District, has filed this petition, to transfer her husband from the Central Prison, Tiruchirappalli to the Central Prison, Madurai, stating that she is having two children of tender age and she is not in a position to travel a long distance from Madurai to Tiruchirappalli to visit her husband, who is confined at Central Prison, Tiruchirappalli.

2.The learned Additional Public Prosecutor on instructions submits that the petitioner's husband is involved in a serious offence of 302 I.P.C and acted as a hireling and the case is under investigation. He further submits that considering the seriousness of the offence committed by the petitioner's husband, he is also detained under Act 14 of 1982.



3. According to the learned Additional Public Prosecutor, since the petitioner's husband is confined under Act 14 of 1982, any decision with regard to parole or transfer can be made only by the Government, in view of the provisions under Section 15 of the Act 14 of 1982.

4. At this stage, the learned counsel for the petitioner sought permission of this Court to withdraw this petition with a liberty to file a fresh petition by adding the Government also as a party.

5. In view of the above, this writ petition is dismissed as withdrawn with liberty to the petitioner to send a fresh representation to the Government in view of the provision under Section 15 of the Act 14 of 1982 and renew this petition as and when it requires.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM/PM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Additional Director General of Police &
Inspector General of Prisons,
Whannels Road, Egmore, Chennai.
2. The District Collector, Pudukkottai District.
3. The Superintendent of Prison, Trichy Central Prison, Trichy.
4. The Superintendent of Prison, Madurai Central Prison, Madurai.

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CS (03.07.2020) 2P 5C