



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2020

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD)No.16152 of 2020

M.Viji

... Petitioner

Vs.

- 1.The State of Tamilnadu,
Represented by its Secretary to Government,
Home (Prison - IV) Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Additional Director General of Police (Prisons),
Inspector General of Prisons,
CMDA Tower - II,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 3.The Superintendant of Prison,
Trichy Central Prison,
Trichy.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to transfer the petitioner's husband Mr.Manohar presently confined at Central Prison, Trichy from the "B" Class to "A" Class facility in respondent Central Prison within the time stipulated by this Court and to tentatively treat the petitioner's husband as "A" Class prisoner till the decision of this respondents.

For Petitioner : Mr.P.Karthick
For Respondents : Mr.R.Srinivasan,
Government Advocate (Crl. Side).

O R D E R

The petitioner would pray for transferring the petitioner's husband from "B" Class to "A" Class prisoner facility in Central Prison, Trichy.

2.The learned counsel for the petitioner would submit that the petitioner's husband was convicted by the Special Court for Trial of Cases under Prevention of Corruption Act, Tiruchirappalli in Spl.S.C.No.53 of 2012 for the offences under Sections 7 and 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act, 1988. Against the said conviction, the petitioner filed Crl.A.(MD)No.202 of 2012 before this Court and the same was dismissed by this Court. The petitioner again filed S.L.P.No.7941 of 2019 before the Hon'ble



Supreme Court, the same was dismissed on 21.12.2018 and thereafter, the petitioner was imprisoned in Central Prison, Trichy.

3.The learned counsel for the petitioner would further submit that the her husband is not implicated in any other case and he is not a habitual offender and that in view of his education, social status and having been accustomed to superior mode of life, her husband is entitled to be classified as "A" Class prisoner as per Section 225 of the Tamil Nadu Prison Manual, 1983. She has given a representation to the third respondent in this regard on 28.10.2020. But the said representation was not considered till date. Hence, she has come forward with the present writ petition.

4.The learned Government Advocate (Crl. Side) appearing for the respondents would submit that the petitioner's representation will be considered and disposed of at the earliest.

5.Considering the submission of the learned Government Advocate (Crl. Side) and the learned counsel for the petitioner, the first respondent is directed to consider the representation of the petitioner on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

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Sub Assistant Registrar(CS)

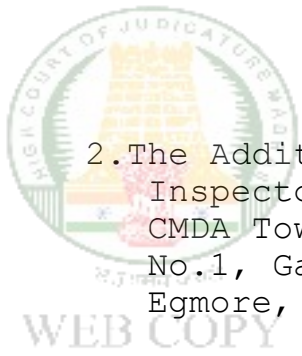
ias

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, ensuring 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 Secretary to Government,
Home (Prison - IV) Department,
Secretariat, Fort St.George,
Chennai - 600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Additional Director General of Police (Prisons),
Inspector General of Prisons,
CMDA Tower - II,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

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

+1 CC to M/s.P.KARTHICK, Advocate (SR-22223[F] dated 20/11/2020)

W.P. (MD) No.16152 of 2020
18.11.2020

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SGS (CO)

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