



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/12/2020

CORAM

The Hon'ble Mr. Justice **G.K. ILANTHIRAIYAN**

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W.P. (MD)No.20607 of 2017

Ramulu Gug Lot @ Ramulu

: Petitioner

Vs.

1.The Principal Secretary,
Home (Prison) Department,
Fort St. George, Secretariat,
Chennai-600009.

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

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

4.The Principal Secretary,
Home Department,
Tankbund, Basheer Bagh,
Near NTR Gardens,
Opposite Lumbini Park,
Hyderabad, Telangana-500 022.

5.The Director General of Prisons,
Prison Department,
Hyderabad 500 001.
State of Telangana

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to transfer the petitioner from Madurai Central Prison to Warangal or Khammam Central Prison or any one of the Central Prison in Telangana State.

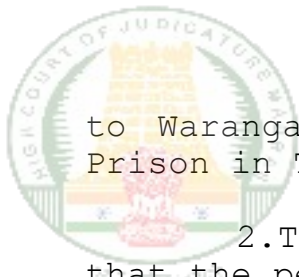
For Petitioner :Mr.R.Alagumani

For Respondents :Mr.K.Suyambulinga Bharathi

1 to 3

Government Advocate (Crl. Side)

O R D E R



to Warangal or Khammam Central Prison or any one of the Central Prison in Telangana State.

2.The learned counsel appearing for the petitioner submitted that the petitioner is convicted in C.C.No.33 of 2013 by the file of the Additional District Special Principal Court, EC and NDPS Act, Madurai, by judgment dated 21.12.2016 in pursuant to the N.C.B.F.No.48/1/1/2012 by the Inspector of Police, NCB, Madurai for the offence under Section 8(c) r/w 21(c) of NDPS Act and sentenced him to undergo rigorous imprisonment for 10 years with fine of Rs.1 lakh, in default, to undergo rigorous imprisonment for one year and he was detained in Cetral Prison, Madurai. He further submitted that the petitioner is native of Telangana State, and his permanent address is Door No.5-221, Ravoji Thanda Village, Perepalli Post, Singrani Mandal, Khammam District, Telangana State-507122 and the petitioner's family members are residing in the above said address. He further submitted that when the petitioner visited to Madurai in the year 2012, he was implicated as an accused in the above case and convicted him for the allegation that he was found in possession 2 kgs of Heroin. The petitioner has also filed an appeal as against the conviction and it is pending before this Court. The petitioner can only speak and understand Telugu and he is facing language problem and he did not understand Tamil language. He further submitted that his father already died and he is having only aged mother. The petitioner's relatives are not able to visit him, since the distance from his native to central Prison, Madurai is more than 1000 kms. Therefore, the petitioner has sent representation to the respondents on 26.10.2017 stating the judgment of this Court in respect of the transfer of prisoner from Madurai Central Prison to Warangal or Khammam Central Prison. On receipt of the same, the respondents did not take any steps to pass order on the representation sent by the petitioner. Hence, the present writ petition has been filed.

3.On perusal of the records, this Court passed order on the similarly placed writ petition in W.P.(MD).No.11118 of 2015, dated 18.08.2016, wherein, Paragraph Nos.11 to 21 are extracted hereunder:

"Barriers behind the bar:

11. Sapir in The Status of Linguistics as a Science, said

"Human beings do not live in the objective world alone, nor alone in the world of social activity as ordinarily understood, but are very much at the mercy of the particular language which has become the medium of expression for their society."

12. Language is speech. Language and life are inseparable. Language is the divine gift of the God. It is language that distinguish man from animals. Language is man's finest asset. As language is the medium of expression and medium of communication, in order to achieve



adaptation, assimilation and accommodation in any society, sharing of knowledge / sharing of information / sharing of emotions through language is essential and thus language becomes indispensable. But for the language, there is no emotional, social and intellectual development. Without development, human life becomes meaningless.

12.1. Krech explained the major function of language thus:

1. Language is the primary vehicle of communication

2. Language reflects both the personality of the individual and the culture of the society.

3. Languages make possible the growth and transmission of culture, and the continuity of societies, and the effective functioning and control of social group.

13. Having said about the importance of the language, then the question is the communication between the inmates around the petitioner and the family members far away from the petitioner.

14. It is said that distance makes the heart grow fonder. How does love grow in a vacuum? Distance makes the heart wander. For without communication, without companionship, the distance long enough and the love will cease to grow.

15. The poor communication always destroys the relationship. In fact, lack of communication is the number one relationship killer. The best person to talk to, with regard to any problem, is the person with whom anybody is intimate and maintain relationship. When that important person is distanced from the petitioner, then there is no possibility for him to communicate.

16. Existing is different from living. With two greatest barriers, one preventing his access to his fellow inmates and other preventing his access to his relatives, would have made his living miserable and meaningless. Under such circumstances, the jail authorities instead of functioning as Key



4.The learned Government Advocate (Crl. Side) appearing for the respondents 1 to 3 submitted that now the petitioner is transferred from the Central Prison, Madurai, to Puzhal Central Prison, Chennai.

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5.In view of the discussion, the respondents and the Superintendent of Prison, Puzhal Central Prison, Chennai are directed to consider the petitioner's representation dated 26.10.2017 positively as per the discussion made by this Court as stated above, within a period of four weeks from the date of receipt of a copy of this order.

6.With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

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Sub Assistant Registrar(CS)

Vsg

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 Principal Secretary,
Home (Prison) Department,
Fort St. George, Secretariat,
Chennai-600009.
- 2.The Additional Director General of Police(Prison)/
The Inspector General of Prisons,
CMDA Tower-II, No.1, Gandhi Irwin Road,
Egmore, Chennai.
- 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai.
- 4.The Superintendent of Prison,
Puzhal Central Prison,
Chennai.



5.The Director General of Prisons,
Prison Department,
Hyderabad 500 001.
State of Telangana

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Alagumani,Advocate Sr.No.25920

W.P. (MD) No.20607 of 2017
17.12.2020

VB (12.02.2021) 6P 8C