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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.10050 of 2021

and

W.M.P.No.10686 of 2021

Stellamary

... Petitioner

Versus

1.The Additional Director General of Police,
and Inspector General of Prison,
Tamilnadu Prison Department,
Egmore, Chennai-600 008.

2.The Superintendent of Prison,
Central Prison-I, Puzhal,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to take necessary action based on the complaint sent by the petitioner dated 09.04.2021 and provide proper and better treatment to the petitioner's husband namely Pandian S/o Mani to his throat injuries as well as the injuries caused by the 2nd respondent through its team on 06.03.2021.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Mr.A.Damodaran
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed to direct the 1st respondent to take necessary action based on the complaint sent by the petitioner dated 09.04.2021 and provide proper and better treatment to the petitioner's husband namely Pandian, S/o Mani for his throat injuries as well as the injuries caused by the 2nd respondent through his team on 06.03.2021.

2.The learned counsel for the petitioner submitted that the husband of the petitioner Pandiyan (hereinafter referred as convict) is a life convict prisoner in C.T.No.2416. In the year 2016, the convict was working in the 2nd respondent's prison and earning some wages by making shoe boxes. Since he was not paid proper wages and it was taken against the prison officials, the



convict approached this Court seeking remedy. Thereafter, the 1st respondent had taken some administrative action against the erring officials from then on. The officials of the 2nd respondent purposely and vehemently tortured the convict, the petitioner's husband. On 06.03.2021, the convict was beaten by the prison warden at the instigation of the prison authorities with false and baseless allegations and, was ordered to stand in nude on the whole day. On 08.04.2021, when the convict was brought before the learned IV Additional Sessions Judge, Chennai for trial in S.C.No.218 of 2008, he cut his throat by a sharp edge blade in presence of the learned Judge. Therefore, he was taken to the Government Hospital for treatment and after treatment, lodged back in the 2nd respondent's prison on the same day. When the petitioner rushed to the hospital to see his husband, she was not permitted to meet him. Hence, she sent a representation on 09.04.2021 to the 1st respondent to take necessary action against the erring officials. Since the 1st respondent failed to consider her representation and take any action, she approached this Court by way of above Writ Petition.

3.The learned Government Advocate (Crl. Side) appearing for the respondents filed counter along with the typed set of papers. He submitted that the husband of the petitioner is a life convict in C.T.No.2416. The petitioner already convicted in S.C.No.485 of 2003 and, was sentenced to undergo life imprisonment. Other than this case, the petitioner involved in another case which is pending trial in S.C.No.218 of 2008 before the learned IV Additional Sessions Judge, Chennai. The convict was initially lodged in the Central Prison, Trichirapalli, later, transferred to the Central Prison, Palayamkottai on 04.01.2021, thereafter, transferred to the Central Prison, Puzhal on 04.03.2019 on administrative grounds. With regard to the allegation of non payment of his wages, it is false and the convict was credited salary for his work as detailed below:-

Month	Wages Credited	Amount sent to the petitioner (prisoner's wife Tmt.Stella Mery)
04/2017	2457/-	3000/-
05/2017	1268/-	1000/-
06/2017	5460/-	5500/-
07/2017	3900/-	900/-
08/2017	2730/-	1000/-
09/2017	3240/-	4000/-
10/2017	3532/-	-
11/2017	10005/-	2500/-
12/2017	10440/-	250/-
03/2018	13050/-	8200/-



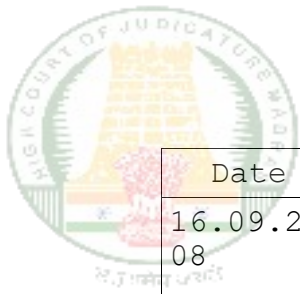
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Month	Wages Credited	Amount sent to the petitioner (prisoner's wife Tmt.Stella Mery)
04/2018	13050/-	400/-
05/2018	10440/-	-
06/2018	12180/-	-
07/2018	10440/-	-
08/2018	4680/-	-
09/2018	4680/-	-
10/2018	4680/-	-
11/2018	4680/-	22000/-
12/2018	3120/-	-
02/2019	2808/-	20500/-

4.The above tabulation will reveal the convict was paid with his wages regularly. On the similar allegations, the petitioner earlier filed a petition before this Court in H.C.P.No.2154 of 2019. This Court, by order, dated 30.10.2019, on the submissions and on perusal of the materials, dismissed the petition on the ground as follows:-

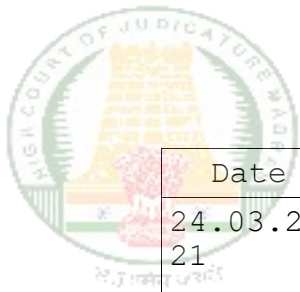
"We find that there is no basis for the Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition stands dismissed."

5.Now, the petitioner is now raising the same allegations in different form. The learned Government Advocate (Crl. Side) further submitted that the convict was lodged in block 2 in Associate Block-II along with 17 other convict prisoners. All the other 17 convict prisoners who are lodged along with the convict Pandiyan, had submitted a complaint dated 24.03.2021 to the Superintendent of Prison, stating that the convict tries to behave like a gang leader and also brought other prisoners from other blocks and chats with them as a gang, in an intimidating way to them. Moreover, the convict forced the other prisoners in the block to watch only the channel that he prefers to watch in T.V. On the complaint of the co-convicts, the Superintendent of Prison on enquiry found truth in it and suspended the prison privileges including interview to convict for three months from 24.03.2021. Thereafter, the convict was moved to cellular block and kept under high vigil. Fact being so, the convict was making false allegations. The convict committed the following prison offences:-



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Date	Nature of Offence	Action taken
16.09.2008	When the prisoner was lodged in Central Prison, Palayamkottai, the prisoner Pandiyan S/o Mani had went to another block, and he was attacked by other prisoners lodged there. The said prisoner Pandiyan did not inform about this to the Warden or Jail, but at the time of lock, the prisoner had gathered other prisoners in name of his community, and agitated and went on hunger strike, thereby creating communal tension in prison.	Remission suspended for 20 days
15.06.2020	When the prisoner returned from parole leave, as per the Covid 19 pandemic protocol, he was kept under observation for Covid-19 at AB-III Block and the prisoner had quarrelled with the Jailor objecting to this	Prison privileges suspended for 2 months
29.03.2011	Based on the source information that the prisoners are illegally using the wires from TV to charge their cell phones, as per the instructions of the Superintendent, the electrician went to the AB-II Block to cancel the TV wires using tubes. The said prisoner Pandiyan S/o Mani had objected to it, and agitated along with other prisoners, and went on hunger strike	The prisoner was warned orally.
09.10.2011	When the ORT team conducted a surprise checking in the AB II block, they have recovered a Nokia Cell Phone in life convict prisoner Suresh S/o Sundaram's shirt. On enquiry, it was found that the cell phone belongs to life convict prisoner Pandiyan S/o Mani, and he was using it at that time. After coming to know that the QRT is conducting surprise check, he had deliberately hidden the phone in one of the co-prisoner Suresh S/o Sundaram's shirt. This was corroborated by the other prisoners in the cell.	The interview privileges was suspended for 6 months.



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Date	Nature of Offence	Action taken
24.03.2021	17 out of 18 convict prisoners lodged in Block-2 in AB II block had given a written complaint stating that life convict prisoner No.2416, Pandiyan S/o Mani is threatening all the other prisoners and often indulges in quarrels with other prisoner. He also gathers his friends around as a group and chats with them, intimidating the others.	Prison privileges suspended for 3 months.
08.04.2021	When the prisoner Pandiyan @/o Mani was brought back after producing before Court, it was learnt that the he had slit his throat in front of the judge. When the jailor had questioned him about it at the gate the time of admission, he had answered back loudly stating that he had raised complaint in the Court against the prison department, and he will only answer to DGP prisons and National Human Rights Commission and Judges.	Prison privileges including interview suspended for further 3 months w.e.f the day on which the previous punishment ends.

6.With regard to the occurrence on 08.04.2021, the convict was produced before the learned IV Additional Sessions Judge, Chennai for trial. The convict complained the torture in prison and slit his own throat before the learned Judge using a blade. Immediately, he was rushed to the Stanley Hospital by the escort police and treatment given. On getting certificate from the Doctors, the convict was admitted back in the prison. The convict was provided with follow-up medical treatment and psychological counselling. The petitioner's allegation is that no proper medical attention provided to her husband is baseless. Further, the convict is now transferred to the Central Prison, Coimbatore on administrative grounds on 22.04.2021. With regard to the petitioner's complaint, the 1st respondent called for a report vide letter No.3218/R1/2021, dated 12.04.2021 and information the action taken. Hence, the learned Government Advocate prayed for dismissal of the Writ Petition.

7.This Court considered the rival submissions and perused the materials available on record.

8.It is seen that the petitioner had sent a representation on 09.04.2021 to the 1st respondent making certain allegation against one Senthil Kumar, the Superintendent of Prison, Central Prison, Puzhal. The reason for taking



actions against the convict is based on the complaint lodged by the co-convicts. Further, the convict was permitted to meet his Advocate and his family members. Since the convict was involved in violation of the prison rules, certain restrictions was imposed as per the prison manual.

9.From the typed set of papers, it is seen that when the convict slit his throat in presence of the learned IV Additional Sessions Judge, Chennai, he was immediately rushed to the Stanley Government Hospital for treatment. After treatment, he was again produced before the learned IV Additional Sessions Judge, Chennai. The convict made complaint to the learned IV Additional Sessions Judge, Chennai which was forwarded to the prison authorities. The Superintendent, Central Prison, Puzhal on 09.04.2021 conducted enquiry found that the petitioner was making false allegation against the prison authorities and the order passed.

10.On the complaint of the petitioner dated 09.04.2021, the 1st respondent called for a report vide letter No.3218/R1/2021, dated 12.04.2021 and found action taken. Further, the convict C.T.No.2416 Pandian, S/o.Mani transferred to the Central Prison, Coimbatore on administrative grounds on 22.04.2021.

11.In view of the above, no order is required to be passed in this Writ Petition. Accordingly, this Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The IV Additional Sessions Judge,
Chennai.

2.The Additional Director General of Police
and Inspector General of Prison,
Tamilnadu Prison Department,
Egmore, Chennai-600 008.

3.The Superintendent of Prison,
Central Prison-I, Puzhal,
Chennai.



4.The Superintendent of Prison,
Coimbatore.

5.The Public Prosecutor,
High Court, Madras.

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W.P.No.10050 of 2021

PVS (CO)
GN (02/08/2021)