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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON:	31.08.2021
DELIVERED ON:	09.09.2021

THE HON'BLE MR. JUSTICE P.N. PRAKASH

and

THE HON'BLE MS. JUSTICE R.N. MANJULA

H.C.P. No.911 of 2021

Tamil Malar

..Petitioner

vs.

- 1 State of Tamil Nadu represented by
the Secretary to Government
Home, Prohibition and Excise Department
Secretariat
Chennai 600 009
 - 2 The Director General of Police & I.G. of Prisons
Gandhi Irwin Road
Egmore
Chennai 600 008
 - 3 The Superintendent of Prison
Central Prison
Cuddalore - 4
 - 4 Senthil Kumar
Grade I Warder
Central Prison
Cuddalore - 4
 - 5 Prithviraj
Grade II Warder
Central Prison
Cuddalore - 4
- ..Respondents

Petition filed under Article 226 of the Constitution of India seeking a writ of habeas corpus directing the respondents 1 to 3 to produce the body and person of the petitioner's father Karunanidhi @ Karuna, S/o Manokaran, Life Convict, Ct.No.15157, confined in the Central Prison, Cuddalore, before this Court and further directing the respondents 1 to 3 to provide proper



medical treatment to the petitioner's father and directing the respondents 1 to 3 to initiate appropriate action against respondents 4 and 5 who indulged in the assault.

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For petitioner : Mr. P. Pugalenthir
For RR 1 to 3 : Mr. R. Muniyapparaj
Government Advocate (Crl. Side)

ORDER

P.N. PRAKASH, J.

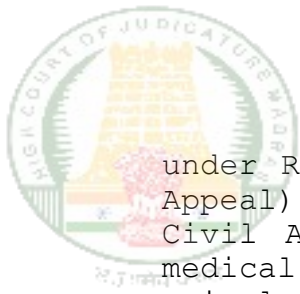
The petitioner's father Karunanidhi @ Karuna (for short "Karunanidhi"), a convict prisoner (Ct.No.15157) having been convicted and sentenced to imprisonment for life for an offence under Section 302 IPC by the Additional Sessions Court (FTC-1), Chengalpattu vide judgment and order dated 23.01.2004 in S.C. No.226 of 2002, is undergoing the sentence imposed on him in the Central Prison, Cuddalore.

2 While that being so, alleging that Karunanidhi was assaulted by respondents 4 and 5 on 01.06.2021 in the prison precincts, the present habeas corpus petition has been filed seeking a direction to the respondents 1 to 3 to provide proper medical treatment to Karunanidhi and to initiate appropriate action against the respondents 4 and 5.

3 On notice, the Superintendent of Prisons (I/c) of the Central Prison, Cuddalore, has filed a detailed counter affidavit dated 29.06.2021, wherein, at paragraph no.10, he has given in detail, 12 incidents in which Karunanidhi was involved in the prison, for which, he had suffered various punishments.

4 While that being so, it appears that on 01.06.2021, when one Muthukumaran, Grade II Warder No.209 was picking jack fruit from a tree in the Prison Convict Block No.1 for the purpose of sale in the prison bazaar, a convict prisoner by name Murugavel @ Gudaal (Ct. No.16592) picked up a quarrel with him and started abusing him. Therefore, Muthukumaran reported this to Senthil Kumar, the fourth respondent and when Senthil Kumar came to enquire the said Murugavel @ Gudaal, Karunanidhi also joined issues with him (Murugavel @ Gudaal). At that time, it appears that Senthil Kumar had used minimum force against Karunanidhi to bring the situation under control.

5 In the counter affidavit, it is further stated that Prithviraj, Grade II Warder, the fifth respondent herein, though was present, was not involved in the fracas. It is further stated in paragraph 12 of the counter affidavit that disciplinary action has been initiated against Senthil Kumar



under Rule 17(a) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules. The medical report dated 29.06.2021 given by the Civil Assistant Surgeon, Central Prison, Cuddalore, traces the medical history of Karunanidhi and shows that he was treated for spinal cord / back pain earlier and has been treated for back pain and Osteo Arthritis since 2016; on 01.06.2021, he complained of pain in the left ear and on 28.06.2021, he complained of low back pain; x-ray was taken in the Government Headquarters Hospital earlier on 29.06.2021 and x-ray showed no bone injury; he was given analgesics for pain relief and his vital conditions are stable.

6 Since the authorities have already initiated disciplinary action against Senthil Kumar, the fourth respondent and have also given sufficient medical treatment to Karunanidhi, nothing survives for adjudication in this habeas corpus petition.

In such perspective of the matter, this habeas corpus petition is closed. However, we are of the view that Karunanidhi may be temporarily shifted to the Central Prison, Puzhal, subject to the extant rules and procedure, for diffusing the situation in the Central Prison, Cuddalore.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cad

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
- 2.The Director General of Police & I.G. of Prisons,
Gandhi Irwin Road,
Egmore,
Chennai 600 008.
- 3.The Superintendent of Prisons,
Central Prison,
Cuddalore - 4.



4.The Superintendent of Prisons,
Central Prison,
Puzhal,
Chennai.

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5.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

H.C.P. No.911 of 2021

KSM (CO)
PR (24/09/2021)