

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P. No. 2402 of 2020

Deepika

.. Petitioner

Vs.

1.The Additional Director General of Prisons,
Egmore, Chennai- 600 008.

2.The Superintendent of Central Prisons,
Vellore, Vellore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the respondents to transfer the Under Trial Prisoner Radhakrishnan, son of Ramanujam, aged about 34 years, from Central Prison, Vellore to Central Prison, Puzhal, Chennai to secure the ends of justice.

For Petitioner .. Mr.R.Sankarasubbu
For Respondents .. Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

Seeking a direction to the respondents to transfer the Under Trial Prisoner - Radhakrishnan, son of Ramanujam, aged about 34 years, from Central Prison, Vellore to Central Prison, Puzhal, Chennai, the present habeas corpus petition has been filed.

2. It is the case of the petitioner that her husband Radhakrishnan, who, is a remand prisoner in K-8 Arumbakkam PS Crime No.919 of 2020 under Sections 147,148,294(b),336,427, 392,397 and 506(II) IPC having been remanded by the V Metropolitan Magistrate, Egmore, Chennai on 02.08.2020.

3. It is the case of the petitioner that her husband requires medical treatment and therefore, he should be kept in Central Prison, Puzhal. In this connection, the petitioner sent a representation dated 11.11.2020 to the first respondent.

4. In the opinion of this Court, during this COVID-19 pandemic, a positive direction cannot be issued to the Jail Authorities for transfer of a prisoner from one prison to another, since it is an administrative act which has to be taken by the prison authorities, taking into consideration the various circumstances. That apart, the petitioner, who is remand prisoner may at anytime be released on bail. Hence, interests of justice will be served, if a direction is given to the first respondent to consider the representation dated 11.11.2020 given by the petitioner.

5. Accordingly, the habeas corpus petition stands disposed of with a direction to the first respondent to consider the representation dated 11.11.2020 given by the petitioner and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssm
To

1.The Additional Director General of Prisons,
Egmore, Chennai - 600 008.

2.The Superintendent of Central Prisons,
Vellore, Vellore District.

3.The Public Prosecutor, High Court, Madras.

WEB COPY

H.C.P. No. 2402 of 2020

UM(CO)
SP(29/01/2021)