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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.21985 of 2021

Bhima Razu Prasad

... Petitioner

Versus

The State Rep. by its,  
Superintendent of Prison,  
Central prison at Puzhal-I.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent to provide the "A" Class facility in view of the Rule 225 of the Tamil Nadu Prison Rules, 1983 to the petitioner/convict namely Bhima Razu Prasad, S/o. Late. BVN Rao (CT No.8487) in pursuance of his representation dated 31.08.2021, immediately.

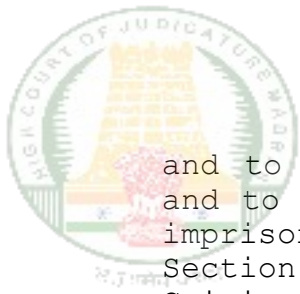
For Petitioner : Mr.M.Mohamed Saifulla

For Respondent : Mr.A.Damodaran  
Additional Public Prosecutor

#### O R D E R

This Writ Petition is filed to direct the respondent to provide the "A" Class facility in view of the Rule 225 of the Tamil Nadu Prison Rules, 1983 to the petitioner/convict namely Bhima Razu Prasad, S/o. Late. BVN Rao (CT No.8487) in pursuance of his representation dated 31.08.2021, immediately.

2.The petitioner is an accused in C.C.No.10 of 2002 was convicted by the trial court by Judgment dated 25.10.2007, against which the petitioner had preferred an appeal in CrI.A.No.1089 of 2007 and the appellate court by Judgment dated 06.01.2020, had confirmed the conviction and modified the sentence and sentenced the petitioner to undergo one year simple imprisonment and to pay a fine of Rs.50,000/- in default to undergo simple imprisonment for a period of three months for offence under Section 13(2) r/w 13(1) (e) of PC Act, to undergo simple imprisonment for one month and to pay a fine of Rs.50,000/- in default to undergo simple imprisonment for a period of one month for offence under Section 120(b) IPC



and to undergo simple imprisonment for a period of one month and to pay a fine of Rs.50,000/- in default to undergo simple imprisonment for a period of one month for offence under Section 193 IPC. Thereafter, the petitioner had filed a Criminal Appeal before the Hon'ble Supreme Court of India in Criminal Appeal No.305 of 2021 in SLP (Crl.) No.5102 of 2020 and the same was dismissed on 12.03.2021. Thereafter, the petitioner had surrendered before the trial Court on 14.05.2021.

3.The petitioner is a senior citizen, aged about 70 years with severe health ailments including high blood pressure, diabetics and other old age ailments. The petitioner is under constant medication and medical care. The petitioner had filed a petition before the trial Court in Crl.M.P.No.4530 of 2021, seeking "A" class facility. The petitioner is an Engineering graduate and further he had acquired other degree. He was a General Manager (Marketing) in Vishakapatnam Steel Project and Vice President marketing in Vinayak Steel Limited, a Private Limited Company. He is an income tax assessee for the past 40 years and he has accustomed to a superior mode of living and he would allow to take his medicines without any obstruction. Further some of the medicines are very vital for the survival of the petitioner.

4.The learned Additional Public Prosecutor submits that the representation of the petitioner dated 31.08.2021, had been forwarded to the concerned authority and awaiting for the report.

5.The learned counsel appearing for the petitioner submits that the petitioner is an Engineering graduate, worked as a General Manager in Vishakapatnam Steel Project, an income tax assessee and he is entitled for "A" Class facility. The copies of the income tax returns are produced before this Court. Further the petitioner had approached the trial Court during his surrender seeking "A" class facility. The trial Court by order dated 03.08.2021, had directed the petitioner to approach the competent authority i.e. the Superintendent of Prison, Puzhal for the classification of "A" Class facility.

6.Considering the submissions and on perusal of the materials, it is seen that the petitioner is an Engineering graduate and an income tax assessee fulfilling the requirement of Rule 225 of the Tamil Nadu Prison Manual. In this case, the petitioner being an Engineering graduate, an income tax assessee and lead a habit of life, accustomed to a superior mode of living. In view of the same, this Court is inclined to direct the competent authority to provide "A" Class facility to the convict and thus, the Superintendent of Prison, Puzhal is directed to provide "A" facility to the petitioner.



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7. With the above direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Prison,  
Central prison at Puzhal-I

2. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr. M. Mohamed Saifulla, Advocate SR. No. 55350

W.P.No.21985 of 2021

BR (CO)

PR (29/11/2021)