



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2021

CORAM:

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

H.C.P. (MD) No.958 of 2020

Muthumari

... Petitioner

-vs-

State rep by

1.The Secretary to Government,
Home, Prohibition Enforcement Department,
Secretariat,
Chennai-600 009.

2.The Additional Director General of Police and
Inspector General of Prisons,
Whannels Road,
Egmore,
Chennai-600 008.

3.The Superintendent of Prison,
Central Prison,
Trichy-620 020.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to transfer the petitioner's husband Perumal @ Pethaperumal son of Perumal (Life Convict No.O.T.D.No.2899) from Central Prison, Trichy 3rd respondent herein to Central Prison, Palayamkottai, Tirunelveli for the purpose of regular visit based on the petitioner's representation dated 03.10.2020.

For Petitioner : Mr.G.Anbucchezheian

For R1 to R3 : Mr.K.Dinesh Babu
Additional Public Prosecutor



O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The prayer in the Habeas Corpus Petition is to direct the respondents to transfer petitioner's husband Perumal @ Pethaperumal son of Perumal (Life Convict No.O.T.D.No.2899) from Central Prison, Trichy to Central Prison, Palayamkottai, Tirunelveli for the purpose of regular visit based on the petitioner's representation, dated 03.10.2020.

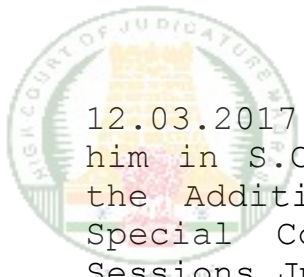
2. The petitioner is the wife of the convict. She would state that she married the convict on 02.05.2018 after obtaining an order in H.C.P.No.835 of 2018. She would further state that the convict was involved in a murder case and he was tried in Sessions Case in S.C.No.296 of 2016 before the I Additional District Judge, Tirunelveli and he was convicted and sentenced for the offence punishable under Section 302 of IPC. An appeal preferred against the conviction and sentence was also confirmed by this Court in C.A(MD)No.301 of 2011. Challenging the same, he has filed an appeal and the same is pending before the Hon'ble Supreme Court.

3. It is the case of the petitioner that she is permanently residing in Tirunelveli District and it was very difficult for her to travel from Tirunelveli to Cuddalore to see her husband, the convict herein and hence, she filed H.C.P.No.435 of 2019 before the Principal Bench and vide order dated 11.04.2019 the convict was transferred from Central Prison, Cuddalore to Central Prison, Trichy.

4. The grievance of the petitioner is that in view of COVID-19 pandemic she was not able to travel from Tirunelveli to Trichy to see her husband and finds difficulty in travelling and hence, she made a representation to the respondents on 03.10.2020 to transfer her husband to Central Prison, Palayamkottai since there was no response, she has come forward with this habeas corpus petition.

5. Heard Mr.G.Anbuchezeian, learned counsel appearing for the petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents.

6. The third respondent in his counter has narrated the events for transferring the convict from various Central Prisons, namely, Palayamkottai to Coimbatore, Coimbatore to Salem, Salem to Trichy, Trichy to Salem, Salem to Trichy, Trichy to Vellore, Vellore to Cuddalore and Cuddalore to Trichy on administrative reasons and it reveals between 10.10.2011 and 09.12.2019 the convict was transferred on eight occasions. It is further stated that the convict was also awarded punishment by jail superintendent on



12.03.2017 and two other Sessions cases are also pending against him in S.C.No.115 of 2018 and S.C.No.512 of 2017 on the file of the Additional District and Sessions Judge, Presiding Officer, Special Court for E.C.Act, Pudukkottai and III Additional & Sessions Judge, Tirunelveli respectively.

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7. It appears that both the cases were registered for offence punishable under Section 302 of IPC. It is apposite to note that H.C.P.No.435 of 2019 was filed seeking transfer of the convict from Cuddalore to Palayamkottai Prison, but the Principal Bench vide order dated 11.04.2019, transferred him to Trichy.

8. This petition has been filed mainly on the ground that in view of lockdown imposed by the Government in the pandemic period, she could not travel from Tirunelveli to Trichy to visit her husband, the convict. Now, lockdown has been lifted and normalcy is almost restored.

9. Taking note of the above facts, we are of the opinion that the petitioner is not entitled for the prayer sought for in this habeas corpus petition. Hence, this petition is dismissed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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

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Home, Prohibition Enforcement Department,
Secretariat, Chennai-600 009.

2.The Additional Director General of Police and
Inspector General of Prisons, Whannels Road,
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3.The Superintendent of Prison,
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Trichy-620 020.

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

H.C.P. (MD) No.958 of 2020
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VR (CO)
TR(09.02.2021) 4P 5C