



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

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THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Writ Petition No.22683 of 2021

Dr.James Satish Kumar
S/o.Jagannathan

.. Petitioner

Vs.

1. The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Deputy Inspector General of Police,
Deputy Inspector General of Prisons,
Chennai Range, Whannels Road,
Egmore, Chennai - 600 008.
3. The Superintendent of Prison,
Office of the Superintendent of Prisons - I,
Central Prison Phase - I, Puzhal,
Chennai - 600 066.
4. The Inspector of Police (Law & Order),
E-4, Abhiramapuram Police Station,
Chennai - 600 018.
Crime No.1352 of 2013

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to classify the petitioner as "A" Class Prisoner and consequently, provide the petitioner with the amenities that "A" Class Prisoner is entitled to.

For Petitioner : Mr.R.John Sathyan

For Respondents: Mr.M.Babu Muthu Meeran
Additional Public Prosecutor



ORDER

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

The petitioner herein has been convicted of the offences u/s.302 r/w 120-B and 120-B IPC and has been sentenced to death in S.C.No.348 of 2015 on 04.08.2021 by the I Additional Sessions Court, City Civil Court, Chennai. The proceedings under Chapter XXVIII of the Code of Criminal Procedure is pending before this Court in R.T.No.2 of 2021. While that being so, the petitioner has filed the present petition for grant of Class "A" facility in the prison on the ground that the petitioner is a medical practioner by profession, having acquired a MBBS degree.

2. Mr.M.Babu Muthu Meeran, learned Additional Public Prosecutor, strongly opposed this petition by referring to Rule 897 of the Tamil Nadu Prison Rules, 1983.

3. We are afraid that, Rule 897 of the Tamil Nadu Prison Rules, 1983, may not apply in the light of the explanation to the said rule, which clearly states that, until the death sentence is completely confirmed at all levels, the convict prisoner would be considered only as an ordinary prisoner and that he would be entitled to Class "B" facilities as laid down in the rules.

4. Rule 225 of the Tamil Nadu Prison Rules, 1983, categorises and divides convict prisoners into two divisions, viz., Class "A" and Class "B". Rule 225 of the Tamil Nadu Prison Rules, 1982, reads as under:

"225.Classes of prisoners. - (1) As mentioned in rule 217, convicted prisoners are divided into two divisions or Classes, "A" and "B".

(i) Prisoners shall be eligible for Class "A", if they by social status, education or habit of life have been accustomed to a superior mode of living. Habitual priosners may, at the discretion of the classifying authority, be included under this class on grounds of character and antecedents.

(ii) Class "B" shall consist of prisoners who are not classified in Class "A".

(iii) Notwithstanding anything contained in sub-rule (i), any person convicted of an offence involving gross indecency or exhibiting grave depravity of character may not be placed in Class "A"."



5. A reading of the above shows that, even the authorities are empowered to grant Class "A" facility to a convict prisoner after taking into consideration his social status, education, habit of life etc. Rule 226 of the Tamil Nadu Prison Rules, 1983, states that on the initial recommendation of the Court, the Government has the power to grant Class "A" facility.

6. Mr.M.Babu Muthu Meeran, learned Additional Public Prosecutor, drew our attention to Rule 225(iii) of the Tamil Nadu Prison Rules, 1983 and submitted that there is a bar in granting this facility to a prisoner, who was involved in gross indecency or exhibiting grave depravity.

7. We are of the view that this provision may not stand in the way of this Court recommending Class "A" facility to the petitioner, especially, in the light of the fact that the petitioner is a medical practioner. The petitioner has been awarded death sentence and the matter is under consideration before this Court in R.T.No.2 of 2021. Since this Court is seized of the entire matter including the appeal of the petitioner, we have the jurisdiction to recommend for the grant of Class "A" facility under Rule 226 of the Tamil Nadu Prison Rules, 1983. Therefore, we are inclined to recommend to the Government for the grant of Class "A" facility to the petitioner and accordingly, we so recommend.

Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Deputy Inspector General of Police,
Deputy Inspector General of Prisons,
Chennai Range, Whannels Road,
Egmore, Chennai - 600 008.



3. The Superintendent of Prison,
Office of the Superintendent of Prisons - I,
Central Prison Phase - I, Puzhal,
Chennai - 600 066.

4. The Inspector of Police (Law & Order),
E-4, Abhiramapuram Police Station,
Chennai - 600 018.

5. The Public Prosecutor,
High Court, Madras.

Copy to
The I Additional Sessions Court,
City Civil Court, Chennai.

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NSK 10/05/2022