



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.4874 of 2022

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Divya

...Petitioner

Vs.

1.The Additional Director General of Police
Inspector General of Prison,
Egmore,
Chennai.

2. The Superintendent of Prison,
Central Prison,
Trichy.

3. The Superintendent of Prison,
District Prison,
Dindigul.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to transfer the petitioner's husband namely, Kalimuthu @ Vellaikali, son of Shanmugavel confined at Central prison Trichy to the District Prison, Dindigul, based on the petitioner's representation dated 14.03.2022.

For Petitioner : Mr.Maheswaran

for Mr.P.Manikandan

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor.

O R D E R

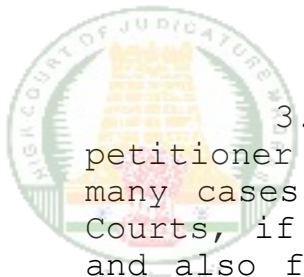
R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

The petitioner seeks transfer of her husband, who is detained in the Trichy Central Prison to the Dindigul District Prison.

2. The transfer is sought for mainly on the ground of her convenience and the convenience of the prisoner, as many of the cases in which he is involved are being tried in and around Madurai.



3. While Mr.Maheswaran, learned counsel appearing for the petitioner would vehemently contend that considering the fact that many cases against the prisoner are pending in and around Madurai Courts, if he is transferred to Dindigul would be convenient to him and also for the family, which stays at Dindigul, to visit him in the Prison, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents would submit that the husband of the petitioner is involved in at least 8 murder cases and there is a Narcotic Drugs and Psychotropic Substances Act, (NDPS) case also pending against him, the trial of which is being monitored by this Court. It is also seen from the orders passed by this Court in Crl.O.P.(MD) No.568 of 2022 dated 21.03.2022, that this Court has issued certain crucial directions regarding the trial of NDPS case.

4. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents would add that the Dindigul Jail being a District Jail, is ill-equipped to handle a Prisoner of the stature of the petitioner's husband. He is involved in almost 8 murder cases and the other gang is waiting for retaliation. An earlier attempt made by the petitioner to have the prisoner transferred to Madurai Central Jail was repelled by this Court, solely on the ground that it may not be safe to have him at Madurai, where the Central Jail is as well as equipped as Trichy Central Prison. If that being the case, incarceration of the petitioner's husband in Dindigul District Jail would amount to exposing him to the rivals. Hence, we do not see any reason for entertaining this writ petition for transfer. Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2022

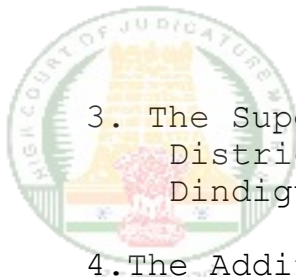
Sub Assistant Registrar(CS)

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To

1.The Additional Director General of Police/
Inspector General of Prison,
Egmore,
Chennai.

2. The Superintendent of Prison,
Central Prison,
Trichy.



3. The Superintendent of Prison,
District Prison,
Dindigul.

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

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ORDER MADE IN
W.P (MD) No. 4874 of 2022
22.03.2022

PK (CO)
GC (30.03.2022) 3P 5C