



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM:

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD) .No. 6100 of 2021

A.Sathish Kumar

...Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Beach Road,
Chennai - 600 004.

2.The Inspector General of Police,
Prison Department,
Chennai.

3.The Superintendent,
Central Prison,
Trichy.

4.Keerthivasan,
The Assistant Jailer,
Central Prison,
Trichy.

5.Prakash,
The Head Constable,
Central Prison,
Trichy.

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the respondents 3 to 5 to not to harass the petitioner's brother namely Suresh Pandi, S/o. Arjunan, Convict No.449 detained in Central Prison, Trichy as a Life Convict on the basis of the representation of the petitiner dated 01.04.2021.

For Petitioner : Mr.N.Anandakumar

For R1 to R3 : Mr.B.Thanga Aravindh
Government Advocate



ORDER

The petitioner filed this petition for direction, directing the respondents 3 to 5 herein, not to harass the petitioner's brother namely Suresh Pandi, Son of Arjunan, convicted No.449 in Central Prison Trichy as a life convict.

2.The petitioner's brother was convicted in pursuant to the FIR registered in Crime No.56 of 2001, on the file of the Inspector of Police, Sivagangai Police Station. In the prison, the petitioner's brother was treated in an indecent manner and the respondents 3 to 5 used filthy languages against him and threatened him with their consequences. They also treated him in a barbaric manner and confined him on the solitary confinement continuously without following the rules stipulated in the prison and other procedures laid down under law. When the petitioner's brother questioned about the same he was not permitted to use the phone once in a week and also prevented from using video call once in a week to his family members during Corona Pandemic period.

3.Consider the above, this Court by an order dated 29.04.2021 directed the Secretary, District Legal Services Authority attached to the Principal District Court, Trichy to visit the Central Prison Trichy and enquire the petitioner's brother namely Suresh Pandi convict No.449 and file a report and also enquire the Superintendent of Central Prison Trichy and file a report. Accordingly, the Secretary, District Legal Services Authority, Trichy went to the Central Prison Trichy and recorded the statement of the petitioner's brother on 12.05.2021. On perusal of the statement recorded from the petitioner's brother, revealed that while search was conducted his dress was removed and he was tortured by the respondents 4 and 5 herein. When it was questioned by him, he was not provided any facility available under the prison manual. He was not permitted to attend phone from his family members and was also not permitted to do video call to his family members for a certain period. On perusal of statement from the Superintendent of Prison, Central Prison Trichy, revealed that he has not co-operated for any search made by the authorities. He also prevented the jail authorities to do their duties for which he was convicted for the offence committed inside the prison. While he was on parole in the year 2008 he absconding/absconded till the year 2011 and committed murder case. Therefore, he used to threaten the authorities in the prison and he made false allegations as against the jail authorities. Whenever the convicts were brought for trial and extension of their remand, they will be searched and the said search will be conducted in a decent manner and no harassment will be given to the petitioner. Therefore, the petitioner had committed offence inside the prison and he was convicted.



4.Further, the statement which had been recorded from the petitioner's brother do not reveal any harassment made by the respondents 3 to 5 herein as alleged by the petitioner.

5.In view the above observation, this criminal original petition stands dismissed.

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Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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

- 1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Beach Road,
Chennai - 600 004.
- 2.The Inspector General of Police,
Prison Department, Chennai.
- 3.The Superintendent,
Central Prison, Trichy.
- 4.The Assistant Jailer,
Central Prison, Trichy.
- 5.The Head Constable,
Central Prison, Trichy.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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RK(01/03/2022) 3P 7C