



WP(MD)No.27424 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.12.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.27424 of 2022

A.Nithya

... Petitioner

/vs./

1. The Director General of Prison
Department of Prisons and Correctional Services,
6, Whannels Road, Egmore
Chennai- 600 008.
2. The Superintendent of Police
Central Prison,
Coimbatore
3. The Superintendent of Police
Central Prison,
Madurai .

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to consider the Petitioner's representation dated 19.11.2022 sent to the first Respondent and any other relief as deemed fit and proper by the Hon'ble Court.



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For Petitioner : Mr.V.AlageshKumar

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing to consider the Petitioner's representation dated 19.11.2022 sent to the first Respondent and any other relief as deemed fit and proper by the Hon'ble Court.

2. The learned Counsel for the Petitioner would submit that the husband of the Petitioner was detained in Central Prison, Madurai and if he is transferred to any other Prison she will not be able to meet him. Hence she has filed the present petition.

3. The learned Additional Public Prosecutor would submit that the husband of the Petitioner was convicted in a Sessions Case by the learned Sessions Judge, Coimbatore and undergoing life imprisonment at Coimbatore . Based on the representation of the Petitioner the husband of the Petitioner was transferred from Central Prison, Coimbatore by the Prison authorities to Central Prison,



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Madurai. He would further submit that criminal appeal is also pending against the husband of the Petitioner.

4. In view of the same, the Respondents 1 to 3 are directed to consider the representation of the Petitioner to detain her husband in Madurai Prison during the period of incarceration till the disposal of the appeal by this Court.

5. As per the Jail manual, the officers of the Prison department is unable to transfer the Prisoner on the administration grounds when there are adverse report against the convicts/prisoners. There is no impediment for retaining/detaining the husband of the Petitioner as convict prisoner in Madurai to enable the family members to visit him. The Respondents 1 to 3 are directed to detain the husband of the Petitioner in Central Prison, Madurai till the appeal is decided, provided there is no adverse report regarding detaining him in Madurai Prison.



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6. With the above direction, the Writ Petition is disposed of. No costs.

02.12.2022

Index : Yes / No

Internet : Yes / No

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TO:

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2. The Superintendent of Police
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Coimbatore
3. The Superintendent of Police
Central Prison,
Madurai
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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