



W.P.No.6612 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: **07.03.2023**

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.6612 of 2023

Siva Sakthi

... Petitioner

Vs.

1. The Superintendent of Prison,
Central Prison - I, Puzhal,
Chennai - 600 066.

2. The Inspector of Police,
W-13, All Women Police Station,
Washermanpet,
Chennai - 600 021.
Crime No.18 of 2020

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, to consider the petitioner's representation dated 21.10.2022 and grant "A" class facilities to the Petitioner's husband Mr.Rajendran Son of Guruswamy (Convict Prisoner), who was in the custody of the 1st Respondent in Special S.C.No.12 of 202 judgment dated 26.09.2022 by the Hon'ble Special Court for Exclusive Trial of Cases under POCSO Act.



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For Petitioner : Mr.Durai Kannan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed to consider the petitioner's representation dated 21.10.2022 and grant "A" class facilities to the Petitioner's husband Mr.Rajendran Son of Guruswamy (Convict Prisoner), who was in the custody of the 1st Respondent in Special S.C.No.12 of 202 judgment dated 26.09.2022 by the Hon'ble Special Court for Exclusive Trial of Cases under POCSO Act.

2.The learned counsel appearing for the petitioner submitted that petitioner's husband is the tenth accused ion Spl.S.C.No.12 of 2021. He was convicted for the offences under Sections 6 of POCSO Act, 2012 read with Section 5(a)(IV), 5(g) and Section 3 & 4 of the POCSO Act and he was sentenced to undergo imprisonment for 20 years. He further submitted that petitioner's husband is not a Habitual Offendor and he is having several ailments due to Cardiovascular disease and severe back pain with diabeties patient for a long period and he is a Income Tax Assesse. Therefore, he filed



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a petition under Rule 217 of the Tamil Nadu Prisoners Manual 1983 before the Superintendent of Police for providing "A" class facility to the petitioner's husband. So far, no order was passed, necessitating the filing of this petition.

3. In response, learned Government Advocate (Crl. Side) submitted that petitioner's representation dated 21.10.2022 is available with the first respondent and steps will be taken for getting orders from the Government as per rule 227 of Tamil Nadu Prison Manual.

Rule 227 of Tamil Nadu Prison Manual reads as follows:

The Government may also act on a reference from the Superintendent of the Prison on a petition from the prisons. The Superintendent shall forward the petition through the Inspector General to the Government. The Government may also act suo mottu or on a representation by the prisoner's relatives and friends, Except as provided under rule 226, the Superintendents shall place every convicted prisoner in Class "B"



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Rule 226 of Tamil Nadu Prison Manual reads as follows:

(1) The High Court, Sessions Judges, Additional Sessions Judges, Assistant Sessions Judges, Chief Judicial Magistrates, Chief Metropolitan Magistrates, Metropolitan Magistrates, Sub-Divisional Judicial Magistrates, Judicial First- Class Magistrates (the last two through the Chief Judicial Magistrate) in cases tried by them originally or in any other case, the District Magistrate, shall make the initial recommendation for classification of prisoners in Class "A" to the Government by whom these recommendations shall be confirmed or reviewed.

Prisoners recommended by Courts for classification in Class "A" shall be tentatively treated as belonging to the class recommended till the orders of Government confirming or reviewing the recommendations are received.

(2) Notwithstanding anything contained in sub-rule (1), the Chief Judicial Magistrate may, before making their recommendations to the Government for classification of prisoners, refer the cases for report to the appropriate Police or Revenue Officers direct and shall consult the Collector of



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the District. The Metropolitan Magistrates or the Chief Metropolitan Magistrates in the City of '[Chennai shall consult the Commissioner of Police in the (Chennai) City or the Collector of the district to which the prisoner belongs before making their recommendations of the Government for classification to prisoners.

(3) On the admission into the prison of any ex-military prisoner convicted by a Court- Martial or a Naval Court, the Superintendent of the Prison shall bring the case to the notice of the District Magistrate. The District Magistrate, after making such enquiries as may be necessary including, if necessary, a reference to the local Brigade Area Commander, shall make the initial recommendation for classification in Class "A" to the Government by whom the recommendations shall be confirmed or reviewed.

(4) It is open for the Court to recommend and the Government to classify such of those prisoners who have taken part in violent agitation against the State as "A" or "B" class prisoners on their conviction or place such under-trial prisoners in special or ordinary class, as the case may be. In any case, they shall be segregated and shall not be permitted to mix with ordinary criminal prisoners.



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As per Rule 226(1), prisoners who are recommended by Courts for classification in Class "A" shall be tentatively treated as belonging to the class recommended till the orders of Government confirming or reviewing the recommendation. There is no such recommendation in favour of the petitioner by the Court.

4. In view of the above, no recommendation will be made by this Court for providing "A" class facilities to the Petitioner's husband. However, this Court directs the 1st respondent to take immediate and proper action on the basis of the petitioner's representation dated 21.10.2022 in the manner known to law, under Rule 227 of Tamil Nadu Prison Manual.

5. With the above observations and directions, this Writ Petition is disposed of.

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Index :Yes/No
Internet:Yes/No
Sma



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To

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Central Prison - I, Puzhal,
Chennai - 600 066.
2. The Inspector of Police,
W-13, All Women Police Station,
Washermanpet,
Chennai - 600 021.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J

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