



Crl.O.P.No.19648 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.19648 of 2023

Pratik

S/o.Radhakrishnan

...Petitioner/Accused

VS.

1.The State Represented by,
The Inspector of Police,
EDF-I,CCB,TEAM- II,
Vepery, Chennai
(Crime No.265/2022)

2.The Superintendent of Police
Central Prison for Men,
Puzhal-II,Chennai.

...Respondents/Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to set aside the Impugned Order in Crl.M.P.No.5884/2023 dated 28.02.2023 on the file of learned Metropolitan Magistrate for CCB/CBCID Special trial at Egmore at Chennai and



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subsequently direct the second respondent to provide “A” class Prison for the petitioner.

For Petitioner : Mr.M.Krishnamoorthy

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the order passed by the Court below dismissing the petition filed by the petitioner in Crl.M.P.No.5884/2023 by order dated 28.02.2023 rejecting the permission sought for by the petitioner for providing 'A' Class prison facility to the petitioner.

2. Heard Mr.M.Krishnamoorthy, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor, appearing for respondents.



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3. The petitioner is an accused in Crime No.234 of 2022 and he was arrested and remanded to judicial custody on 13.01.2023. The petitioner filed a petition before the Court below by relying upon Rule 815 of the Tamil Nadu Prison Rules, 1983, seeking for 'A' Class facility. The Court below dismissed the petition. Aggrieved by the same, the present petition has been filed before this Court.

4. On a careful reading of Rule 815 of the Tamil Nadu Prison Rules, 1983, it is seen that such status is given to the prisoners only based on the education and habit of life to which the concerned prisoner is accustomed to and that such prisoner is used to a superior mode of living. In the present case, the petitioner is admittedly a B.E. graduate and he has also specifically stated that he is accustomed to a superior mode of living.

5. The Court below was satisfied with the first condition insofar as educational qualification is concerned. However, when it came to the second condition, the Court below went into the merits of the case and



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found that the petitioner was a prisoner, who failed to repay a huge amount of money to the *de facto* complainant. In the considered view of this Court, the concerned Rule does not anywhere require the Court to go into the merits of the case. The petitioner must show that he was accustomed to a superior mode of living. The Court below did not go into this issue at all and the petition was rejected more on the ground of the conduct of the petitioner in the alleged crime.

6. In the light of the above discussion, the order passed by the Court below in Crl.M.P.No.5884/2023, dated 28.02.2023, is hereby set aside. The matter is remanded back to the file of learned Metropolitan Magistrate for exclusive trial of CCB/CBCID cases, Egmore, Chennai. The petitioner is directed to produce materials before the Court below to substantiate that he is accustomed to a superior mode of living. The Court below, on being satisfied with the same, shall direct the prison authorities to provide 'A' Class prison facility to the petitioner. This process shall be completed within a period of one week from the date of receipt of a copy of this order.



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This Criminal Original Petition is allowed with the above direction.

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07.09.2023

Note : Issue order copy by 08.09.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order/Non-Speaking Order
gm

To

- 1.The Inspector of Police,
EDF-I,CCB,TEAM- II,
Vepery,Chennai
(Crime No.265/2022)
- 2.The Superintendent of Police
Central Prison for men,
Puzhal-II, Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai 600 104.



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N. ANAND VENKATESH, J
gm

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