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W.P.No.28840 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.28840 of 2023

Devi

...Petitioner

vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Home (Prison) Department,
Fort St. George, Chennai – 09.

2. The Additional Director General of Police,
Inspector General of Prison,
Tamilnadu Prison Department,
Whannels Rd, Ansari Estate,
Egmore, Chennai – 600 008.

3. The Superintendent of Prison
Puzhal Prison (Conviction Block)
Puzhal Prison, Chennai – 66.

4. The Jailor,



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Conviction Block,
Puzhal Prison, Chennai – 66.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the 3rd respondent herein to shift the prisoner Nagaraj @ Pambu Nagaraj from solitary confinement to general cell and permit him to mingle with other prisoners at Central Prison Puzhal.

For Petitioner :: Mr.K.Thenrajan

For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor
Assisted by Mr.C.Aravind

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 3rd respondent herein to shift the prisoner Nagaraj @ Pambu Nagaraj from solitary confinement to general cell and permit him to mingle with other prisoners at Central Prison Puzhal.



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2. The case of the petitioner in brief is that she received the phone call from the relative of her husband's co-prisoner that her husband is in solitary confinement. It is also the case of the petitioner that she gave representation to see her husband and it was informed to the petitioner that she cannot be allowed.

3. Alleging that the petitioner is unable to see her husband in prison and on the basis of the information that she gathered from the relative of the co-prisoner of her husband, this petition is filed.

4. The learned Additional Public Prosecutor filed a counter affidavit denying the averments made in the supporting affidavit to this petition. He further submitted that the petitioner's husband was sentenced to undergo imprisonment for heinous offence; that the petitioner's husband was involved in prison offenses and therefore, the prison privileges was suspended for a period of three months for the petitioner's husband as well as another prisoner by order dated 11.08.2023.



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5. The learned Additional Public Prosecutor further submitted that the period of suspension has come to an end by 11.11.2023; that the prayer in the writ petition has become infructuous and that the petitioner's husband will enjoy the privileges of any other prisoner, as per the Prison Rules.

6. Recording the stand taken by the respondent; this Court finds that the petitioner's allegations of solitary confinement is not proved, as the petitioner was not allowed to see her husband only on account of the suspension of prison privileges for reasons. Hence, this writ petition stands closed.

(S.S.S.R.,J.) (S.M.,J.)
15.11.2023

Index: Yes/No

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