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Crl.O.P.No.29957 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.03.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.29957 of 2022

Prasanna Venkatesh Balaji @ Aswin

...Petitioner

Vs.

1. The State by

The Inspector of Police,
S-15, Selaiyur Police Station,
Selaiyur, Chennai-600 059.

2. The State represented by its

Superintendent of Prison,
Puzhal Prison II, Puzhal,
Chennai-600066.

(R2 impleaded as per Court order
dated 13.12.2022

in Crl.M.P.No.18822 of 2022

in Crl.O.P.No.29957 of 2022)

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the impugned order in Crl.M.P.No.8055 of 2022 dated 07.11.2022 passed by the Learned Judicial Magistrate-I and also direct the Superintendent of Prison, Puzhal Prison II, Chennai to provide special class facilities to the petitioner.

For Petitioner : Mr.K.R.Ramesh Kumar



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For R-1 and R-2 : Mr.S.Santhosh
Government Advocate (Criminal side)

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ORDER

This Criminal Original Petition has been filed to set aside the impugned order in Crl.M.P.No.8055 of 2022 dated 07.11.2022 passed by the Learned Judicial Magistrate-I and also to direct the Superintendent of Prison, Puzhal Prison II, Chennai to provide special class facilities to the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner is an accused in Crime No.224 of 2022. He was arrested and remanded to judicial custody and currently undergoing judicial custody in Puzhal Jail, Chennai. He had filed a petition in Crl.M.P.No.7825 of 2022 before the learned Judicial Magistrate No.I, Tambaram for providing him special category treatment and the same was dismissed by an order dated 28.10.2022. Subsequently, he filed another petition in Crl.M.P.No.8055 of 2022 for the same relief and that was also dismissed on 07.11.2022.



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3. In response, the learned Government Advocate (Crl.Side) submitted that the petitioner is detained under Goondas Act. The Court can only make initial recommendations and that has to be approved by the learned District Magistrate. In view of the dismissal of the petitions filed by the petitioner, the petitioner can make a representation to the second respondent for appropriate orders as per Rule 815(2) of Tamil Nadu Prison Rules, 1983.

4. In the light of the facts projected before this Court and that the petitioner has three previous cases pending against him; that he is detained under Goondas act, this Court directs the petitioner to file a petition before the second respondent seeking classification of special category. On such submission of petition, the second respondent is directed to pass appropriate orders in the manner known to law, within a period of two weeks from the date of receipt of petition.

5. With the above direction, this Criminal Original Petition is disposed of.

09.03.2023

mn

Index:Yes/No

Speaking Order: Yes/No



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G.CHANDRASEKHARAN.J.,

mn

To

- 1.The Inspector of Police,
S-15, Selaiyur Police Station,
Selaiyur, Chennai-600 059.
2. The Superintendent of Prison,
Puzhal Prison II, Puzhal,
Chennai-600066.
- 3.The Public Prosecutor,
High Court of Madras.

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