



WEB COPY



W.P.No.69 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.69 of 2024

Balu @ Dhanapaul

... Petitioner

Vs.

1. The State rep by its,
The Director General of Prison,
Office of the Director General of Prison,
No.2, Gandhi Irwin Road, Egmore, Chennai 600 008.
2. The Superintendent of Prison,
Office of the Superintendent of Prison,
Central Prison at Puzhal, Thiruvallur District 600 006.
3. The Superintendent of Prison,
Office of the Superintendent of Prison,
Central Prison at Palayamkottai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to retain the petitioner namely Mr.Balu @ Dhanapaul



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permanently in Central Prison, Puzhal-I in pursuant to the petitioner's father representation dated 16.11.2023 respectively.

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

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

The petitioner, who is a convict prisoner, S/o. K.V.Komarasamy, now confined in the Central Prison, Puzhal-I, has come forward with this writ petition to direct the respondents to consider his father's representation dated 16.11.2023 and retain him in Central Prison, Puzhal-I.

2.The petitioner states that he was convicted for the offences under Section 448 of IPC and 307 of IPC r/w. 3(2)(v) of Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act and 302 r/w. 34 of IPC r/w. Section 3(2)(v) of Schedule Castes and Scheduled Tribes (Prevention of



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Atrocities) Act, and sentenced to undergo life imprisonment and also to undergo two years Rigorous Imprisonment. The petitioner further states that he has been in incarceration for more than 14 years and he has filed one another Writ Petition before this Court for premature release and hence his presence in Chennai is very much essential to proceed with the case. If he is transferred to the Central Prison at Palayankottai, he could not contact his counsel and get along with the case. Therefore, the petitioner's father sent a representation to the respondents on 16.11.2023 to retain him in Central Prison, Puzhal-I. Since the same has not been considered till date, he has come forward with this writ petition.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4.Having regard to the limited scope of the prayer in the writ petition, this Court, without going into the merits of the petitioner's father representation or the contentions of the petitioner in the affidavit filed in support of this writ petition, directs the respondents to consider the



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representation of the petitioner's father, dated 16.11.2023 for retaining the petitioner in Central Prison, Puzhal-I, and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner.

5. With the above direction, this writ petition is disposed of. No costs.

[M.S.R., J] [S.M., J]
04.01.2024

pvs

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

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Central Prison at Palayamkottai.
4. The Public Prosecutor,
High Court, Madras.

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and
SUNDER MOHAN, J.

pvs

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