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W.P.No.1284 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM:

THE HON'BLE MR. JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.1284 of 2024
and W.M.P.No.1334 of 2024

A.Pappathi

...Petitioner

vs.

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Chennai-600 009.

2.The Director General of Police,
Director General of Prison,
Whannels Road, Ansari Estate,
Egmore, Chennai-600 008

3.The Superintendent,
Women Sub Jail,
Cuddalore,
Cuddalore District.

4.The Superintendent,
Central Prison for Women,
Puzhal, Chennai.

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent vide Moo.Mu.No.16587/Si Na.2/2023 dated 20.06.2023 dated 20.06.2023 and quash the same consequently, direct the second respondent to transfer the petitioner's daughter Mrs.Sathya, D/o.Annamalai presently confined in Women Sub Jail, Cuddalore to Central Prison for Women, Puzhal, Chennai.

For Petitioner :: M.S.Charles

For Respondents :: Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

The prayer in the present Writ Petition is for seeking quashment of the order of the second respondent vide Moo.Mu.No.16587/Si Na.2/2023 dated 20.06.2023 and direct the second respondent to transfer the petitioner's daughter viz., Sathya, D/o.Annamalai, from Women Sub-Jail, Cuddalore to Central Prison for Women, Puzhal, Chennai.

2. On the ground that the prisoner had indulged in activities which were prejudicial to the prison administration, she was transferred from Central



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Prison for Women, Puzhal, Chennai to Women Sub-Jail, Cuddalore on 20.02.2023. The petitioner who is the mother of the prisoner had made a representation seeking for re-transfer on 17.04.2023, which came to be rejected through the impugned order dated 20.06.2023.

3. Pending the Writ Petition, we had taken note of the fact that for the activities in which the prisoner had indulged, she was imposed with punishment of suspension of privileges under Rules 302 and 304 of the Tamil Nadu Suspension of Sentence Rules, 1982 by the prison authorities. By holding that the refusal for transfer on the ground that she has indulged in prison offences would amount to double jeopardy, we had made an interim arrangement, by which the prisoner was ordered to be re-transferred to Central Prison for Women, Puzhal from the Women Sub-Jail, Cuddalore and directed the jail authorities to file a report with regard to the conduct of the prisoner.

4. Today, when the matter was called, the Superintendent of Prisons, Women Cell, Puzhal, has given a report dated 04.07.2024 stating that the prisoner's activities have been satisfactory and she has not indulged in any



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prison offences.

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5. In view of the favourable report of the jail authorities and by taking into account of the petitioner's daughter's conduct inside the prison, we are inclined to entertain the prayer sought for in the present Writ Petition. Accordingly, the imprisonment of the petitioner's daughter viz., Sathya, D/o.Annamalai, shall be continued at Central Prison for Women, Puzhal. Consequently, the earlier rejection order dated 20.06.2023 passed by the Superintendent of Prisons shall stand quashed.

6. Accordingly, the writ petition stands allowed. No Costs. Consequently, the connected miscellaneous petition is closed.

(M.S.R.,J.) (S.M.,J.)
04.07.2024

Neutral Citation : Yes / No
Anu



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Copy to:-

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5.The Public Prosecutor,
High Court, Madras.



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AND

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