



WEB COPY



W.P.No.5277 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.5277 of 2024

Stella Mary

... Petitioner

Vs.

1. The Inspector General of Prison,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai 600 008.

2. The Deputy Inspector General of Prisons,
Chennai Range, Egmore,
Chennai 600 008.

3. The Superintendent of Prisons
Central Prison-1
Puzhal, Chennai 600 066

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 28.01.2024 and to keep



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his husband, namely Pandiyan, S/o. Mani, aged about 59 years, Convict Prisoner, Central Prison, Puzhal, permanently in Puzhal Prison until his release.

For Petitioner : Ms. S. Nadhiya
For Respondents : Mr.A. Gokula Krishnan
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

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

The petitioner, who is the wife of the convict prisoner namely Pandiyan, aged about 59 years, S/o. Mani, now confined in the Central Prison, Puzhal, Chennai, has come forward with this writ petition to direct the respondents to consider her representation dated 28.01.2024 to keep her husband permanently in the Puzhal Prison.

2. The case of the petitioner is that her husband is a life convict prisoner, Central Prison, Puzhal, who was convicted for the offences under Section 302 r/w 34 IPC and sentenced to life imprisonment, under Section 394 r/w 397 and sentenced to undergo seven years imprisonment and under Section 307 r/w 34 IPC and sentenced to undergo seven years imprisonment



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by the learned Additional District Judge, Fast Track Court-1, Chengalpattu in S.C. No. 485 of 2003 dated 05.08.2004 and on an appeal, the said conviction and sentence was confirmed by this Court in Crl.A.No.342 of 2007 dated 01.10.2007. According to the petitioner, her husband was detained in Puzhal Prison from 2008 to 2021 and on 22.04.2021 he was transferred to Coimbatore Prison and again on 10.02.2023, he was transferred to Puzhal prison. She came to know from her husband that the respondent is planning to re-transfer him to Coimbatore or some other prison. Therefore, she sent a representation dated 28.01.2024 to the respondents to keep her husband permanently in the Puzhal Prison to enable her to interview him twice a week. Since the same has not been considered till date, she 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 representation or



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the contentions of the petitioner in the affidavit filed in support of this writ petition, directs the respondents to consider the representation of the petitioner, dated 28.01.2024, to keep her husband permanently in the Puzhal Prison and pass appropriate orders on merits and in accordance with law, within a period of four 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]
01.03.2024

bga

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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4. The Public Prosecutor,
High Court, Madras.



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