



H.C.P.No.461 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

H.C.P.No.461 of 2024

A. Sangeetha

...Petitioner

Vs.

1. The Principal Secretary to the Government
Government of Tamilnadu
Department of Home Secretariat
Chennai.
2. The Director General of Police,
O/o. Director General of Prison,
Whannals Road, Egmore, Chennai.
3. The Superintendent of Prison,
Central Prison-II,
Puzhal, Chennai.
4. Mr. Jayakannan
Chief Warden
Central Prison-Puzhal
Chennai.
5. Mr. Kannan
Special Team
Central Prison, Puzhal, Chennai.

...Respondents.



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Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the 3rd respondent to produce the body or person of petitioner husband under trail prisoner namely Azhagesan, S/o. Shanmugam, aged about 38 years before this Hon'ble Court and direct the 3rd respondent to provide the adequate treatment to the petitioner's husband and remove from the solitary confinement and further direct the 2nd respondent to take action against the respondent No.4 to 6 in pursuant to the petitioner representation dated 21.02.2024.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondents : Mr.A. Gokulakrishnan
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

M.S.RAMESH, J.
and
SUNDER MOHAN, J.

The grievance of the petitioner herein is that the Prison Authorities have used excessive force on her husband, namely Azhagesan, aged about 38 years, S/o.Shanmugam, who is an under trial prisoner, owing to which, he has sustained bodily injuries and hence, she seeks for medical attention to her husband and to remove him from the solitary confinement.



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2. According to the learned counsel appearing on behalf of the petitioner, the petitioner's husband has been kept under solitary confinement and apart from his Advocate, he was not permitted to meet his relatives. Since the injuries caused to the prisoner are severe, he seeks for immediate medical treatment.

3. Per contra, the learned Additional Public Prosecutor produced a copy of the Medical Report of the Civil Assistant Surgeon, Central Prison Hospital, Central Prison – II, Puzhal, Chennai, dated 08.02.2024, of one of the prisoner, namely Pushparaj (RP.No.92529/2022), which evidences that there were no external or internal injuries in the body of the prisoner and that his vitals are stable and in good condition. He further submitted that no excessive force was employed on the body of the prisoner and that when a surprise inspection was conducted in the prison cells, several mobile phones with sim cards, chargers, etc., were recovered. Based on such recovery, the Jailer had preferred a complaint to the Sub-Inspector of Police, Puzhal Police Station, which was registered in Crime No.66/2024 under Section 42 of the Prisons Act, 1894.



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4. The facts, as put forth by the petitioner, have been denied by the respondents. While the Prison Authorities claimed that owing to the seizure of the mobile phones, sim cards, etc., from the prison cells, a complaint has been given and no physical force was used on them, the petitioner's claim that her Advocate had witnessed the prisoner in the prison and had seen the injuries.

5. This Court, exercising its powers under Article 226 of the Constitution of India, will not venture to adjudicate such disputed facts. However, the Court will not also be a mute spectator when certain allegations are made of excessive physical force being used on prisoners. In order to strike a balance and safeguard the rights of the prisoner, we are of the view that the prisoner named in the present petition can be referred to the Civil Assistant Surgeon, attached to the Central Prison Hospital, Central Prison – II, Puzhal, Chennai, with a direction to send a copy of the medical report to the petitioner also.



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6. In the light of the above findings, there shall be a direction to the Superintendent of Prisons, Central Prison – II, Puzhal, Chennai, to subject the prisoner, to the Civil Assistant Surgeon, Central Prison Hospital, Central Prison – II, Puzhal, Chennai, forthwith. In case any medical aid is required to the prisoner, after examination, the Hospital shall extend the required medical aid. Likewise, all privileges, to which the prisoner is entitled to under the Prison Rules, shall also be extended to him forthwith. With these directions, the Habeas Corpus Petition stands closed.

[M.S.R., J] [S.M., J]
01.03.2024

bga

Index : Yes / No

Neutral Citation : Yes / No



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5. Mr. Kannan
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6. The Public Prosecutor,
High Court, Madras.



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