



H.C.P.No.613 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.613 of 2024
and Crl.M.P.No.5288 of 2024

T.Prasanth

... Petitioner

Vs.

- 1.The Principal Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The Director General of Police and
Inspector General of Prisons and Correctional Service,
Gandhi Irwin Road, Egmore, Chennai – 600 008.
- 3.The Superintendent of Prisons
Central Prison – 2, Puzhal,
Chennai – 600 066.
4. Mr.Parasuraman,
Superintendent of Prisons,
Central Prison – 2, Puzhal,
Chennai – 600 066.



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5.Mr.Thirumalai,
Jailor, Central Prison – 2,
Puzhal, Chennai – 600 066.

6.Mr.Kannan,
Spl.Team of Warder,
Central Prison – 2, Puzhal,
Chennai – 600 066.

... Respondents

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 respondents 1 to 3 to consider the representation of the petitioner dated 09.03.2024 and to provide proper medical treatment to the petitioner's brother namely Ranjith Kumar, son of Karuppiya, under Trial Prisoner, now confined in the Central Prison-2, Puzhal, Chennai – 66 and further directing respondents 1 and 2 to take appropriate action against respondents No.4 to 6, who had assaulted the petitioner's brother.

For Petitioner : Mr.P.Pugalenth

For R1 to R3 : Mr.E.Raj Thilak
Additional Public Prosecutor
Assisted by Mr.C.Aravind



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ORDER

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

The prayer in the present Habeas Corpus Petition is to provide an appropriate medical treatment to the remand prisoner/petitioner's brother and for taking action against the respondents 4 to 6 herein.

2. It is alleged by the petitioner that his brother/remand prisoner was assaulted by the respondents 4 to 6 herein with a lathi. However, in the status report filed by the third respondent herein, it is stated that 5 remand prisoners including the petitioner's brother, had attacked each other and got into a heated argument.

3. The learned counsel for the petitioner submitted that the petitioner's brother has been kept under a solitary confinement.

4. On the other hand, the learned Additional Public Prosecutor submitted that the petitioner's brother along with 4 other prisoners had



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attacked each other and got into a heated argument, thereby committing a prison offence and therefore, a punishment of reduction of prison privileges for a period of one month was imposed on them. Thereafter, they were transferred to different blocks. Subsequently, the petitioner's brother was once again re-shifted to Room No.17 in the quarantine block of Central Prison-II, Puzhal and was confined along with two other prisoners.

5. Thus, the grievance of the petitioner that his brother continues to be in a solitary confinement, has been redressed. Insofar as the punishment imposed on the remand prisoner is concerned, when the inmates of a prison quarrel with each other, prison officials, visitors and others while under imprisonment, the same would amount to an offence under Rule 297(2) of the Tamil Nadu Prison Rules, 1983 (hereinafter referred to as 'the Rules'). When such an offence is committed by any of the inmates, the Superintendent of the Prisons shall examine such a person for the offence and determine whether an award of minor or major punishment is required to be imposed, as contemplated under Rule 303



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of the Rules. The minor and major punishments have been spelt out under Rule 302 of the Rules.

6. The Rules also provide for conducting an inquiry under Rule 304 and such an inquiry shall be conducted in the presence of the concerned prisoner, as well as the witnesses. The Superintendent of Prisons shall thereafter impose a punishment, if necessary. The Sub-Rule 8 of Rule 304 stipulates that the punishment awarded to the prisoner should be noted down in the punishment book in Form No.15 and on completion of the punishment, the Jailer shall certify that the punishments have been carried out.

7. The principles of natural justice have been embedded under Rule 304 of the Rules and it would be needless to point out that serving of an order of punishment on the offender, is also one of the requirements of the principles of natural justice. This would also meet out the requirement of the concerned punished prisoner to challenge the order of punishment in a manner known to law.



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8. When the petitioner's brother had committed a prison offence of quarrelling with his fellow inmates and has also been punished under the Tamil Nadu Prison Rules, the prayer seeking for action against the respondents 4 to 6 herein, is unwarranted.

9. The learned counsel for the petitioner also submitted that the petitioner's brother has sustained injuries during his quarrel, which claim is denied by the respondents. However, in the status report filed by the third respondent herein, it is stated that the Prison Medical Officer conducts a routine round in the various blocks of the prison and if necessary, the remand prisoner will be sent to Stanley Government Hospital, Chennai. This apart, it is also stated therein, that all the privileges that were deprived to the petitioner's brother, have been restored. These statements are hereby recorded.

10. In the light of the above observations and findings, the prayer seeking for a direction to the respondents 1 to 3, to consider the



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petitioner's representation, does not require consideration. Accordingly, the Habeas Corpus Petition stands closed. Consequently, the connected miscellaneous petition is also closed.

[M.S.R.,J.] [S.M.,J.]
04.04.2024

Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

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- 1.The Principal Secretary to Government
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Secretariat, Chennai – 600 009.
- 2.The Director General of Police and
Inspector General of Prisons and Correctional Service,
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High Court, Madras.



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