



WEB COPY



HCP.No.648 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.648 of 2024

Roshan Salma

... Petitioner

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Director General of Police &
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.Kannan

5.Mr.Sathish

6.Mr.Murali.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus, directing the respondent to give immediate



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medical treatment and to remove from the solitary confinement for the petitioner's husband namely Mohammed Ribas S/o Mohammed Bakeer, Under Trial Prisoner, now confined in the Central Prison-2, Puzhal, Chennai – 66 and further directing respondents 1,2,3 to take appropriate action against respondents No.4 to 6, who had assaulted the petitioner's husband.

For Petitioner	: M/s.S.Nadhiya
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.*)

This Writ Petition has been filed to direct the respondents to give immediate medical treatment to the petitioner's husband namely Mohammed Ribas S/o Mohammed Bakeer and to remove him from the solitary confinement in the Central Prison-2, Puzhal, Chennai – 66 and further to direct the respondents 1 to 3 to take appropriate action against the respondents No.4 to 6, who had assaulted the petitioner's husband.

2.In the status report filed by the third respondent herein, it is stated that the remand prisoner has been shifted to room no.13 in block no.1 of the



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Central Prison-II, Puzhal. Therefore, the first portion of the prayer sought for in the present Habeas Corpus Petition has been redressed.

3.The further allegation of the petitioner is that the prisoner has been manhandled by the Prison Authorities inside the prison. In this connection we had through an interim order dated 08.04.2024 directed the third respondent to consider the petitioner's representation in this regard. Consequent to our direction, an enquiry was conducted by the Prison Authorities, in which, it is stated that the prisoner had entered into an argument with the Quick Response Team (QRT) Personnel and used filthy language against the QRT Team staff. Further, when he was shifted to the Quarantine Block (Quarantine Cell No.8), he voluntarily injured himself on his head and hands in the door of the cell. He had also refused to undertake any first-aid for the said injuries.

4.This apart, the Doctor attached to the Central Prison Hospital had also examined the prisoner on 26.03.2024 and has submitted a medical report before us, which evidences that the prisoner does not have any co morbid illness and that his vitals are stable.



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5.At this juncture, the learned counsel for the petitioner would submit that the prison authorities had indeed attacked the prisoner and caused the injuries.

6.While exercising the powers under Article 226 of the Constitution of India, this Court would not venture to act on disputed facts. If at all the petitioner is still of the view that there was some injustice caused to him, it is always open to him to approach the appropriate forum seeking for redressal of his grievances. In this background, we are not inclined to entertain the second prayer seeking action against the Prison Authorities.

7.Accordingly, the Writ Petition stands closed. No costs.

[M.S.R., J]

[S.M., J]

05.06.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Tsg

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3.The Superintendent of Prisons,
Central Prison-2, Puzhal,
Chennai – 600 066.

4.The Public Prosecutor,
High Court, Madras.

M.S.RAMESH, J.



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