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H.C.P.No.2467 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.SIVAGNANAM

H.C.P.No.2467 of 2024

S.M.Sedhuraman

.. Petitioner

v.

1. The Director General of Police
Prisons
Tamil Nadu Prison Department
Whannels Road, Egmore
Chennai 600 008

2. The Inspector General of Prisons
Headquarters
Tamil Nadu Prison Department
Whannels Road, Egmore
Chennai 600 008

3. The Superintendent of Prisons
Central Prison-II, Puzhal
Chennai

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, forbearing the respondents from detaining the remand prisoner/detenu Varaaki @ V.R.Krishnakumar, Son of



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late V.Radhakrishnan, aged about 48 years, (PID No.419787) under solitary confinement in the Central Prison, Puzhal-II, Chennai.

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For Petitioner :: Mr.P.Rajkumar Pandian for
Mr.K.Kannan

For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

The writ of habeas corpus has been instituted to forbear the respondents from detaining the remand prisoner/detenu Varaaki alias V.R.Krishnakumar, Son of late V.Radhakrishnan, aged about 48 years, under solitary confinement.

2. With reference to the grievance of the petitioner, we have directed the learned Judicial Magistrate, Ambattur to meet the prisoner and submit a report. Accordingly, the report dated 26.09.2024 was submitted. The learned Judicial Magistrate, Ambattur has mentioned that the grievance of the prisoner was that he was kept in solitary confinement. On inspection, the learned Magistrate found the prisoner in a separate cell. Subsequently,



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the prisoner himself requested the prison authorities to lodge him in the high security block. Acceding to the request of the petitioner, the jail authorities have provided a cell in the High Security Block No.II. The said fact has been stated in paragraphs 7 & 8 of the counter affidavit filed by the Superintendent, Central Prison-II, Puzhal, Chennai, which read as under:-

“7.With regard to the averments made in para 4 – 6 of the affidavit, I submit that the petitioner's allegations are denied as false. It is submitted that the said detenu No.6348 (PID No.419787) Krishnakumar @ Varakki S/o Radhakrishnan is a popular YouTuber and so for the security of the said prisoner, he was lodged in Cell No.19 of Block No.11 (i.e., High Security Block No.II) in this Prison. It is pertinent to submit here there are totally 58 Cells in Block No.11, where a total of 42 prisoners are presently lodged along with the said prisoner. They are not kept under any kind of restraints or unlawful lock and key as alleged by the petitioner, nor are they prevented from associating with each other during the day time as any other inmates lodged in this prison. As per normal protocol, all the prisoners are unlocked at 06.00 Hrs and lock-up at 18.00 Hrs.



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8. However, after the petitioner had filed the present Habeas Corpus Petition, the above mentioned detenu was moved to Room No.17 of Block-III on 26.09.2024, which is dormitory type Block where there are 18 dormitories in total, in which about 404 prisoners are presently lodged. Particularly, in Room No.17 itself about 16 prisoners were lodged along with the said prisoner. But on 28.09.2024, the above mentioned detenu has submitted a written request to the Superintendent of Prisons, Central Prison-II, Puzhal, the 3rd respondent herein, requesting to be shifted back to Block No.11 (i.e., High Security Block No.II) and hence at his own request he was shifted back to Cell No.53 in Block No.11. This, ipso facto, is proof enough that the said detenu is not kept in solitary confinement of any sort as alleged by the petitioner. Therefore, the allegations of the petitioner is false, malicious and against facts raised with ulterior motive.”

3. In view of the fact that the request of the petitioner was considered, no further adjudication is required. However, the authorities are directed to provide all facilities as per the Prison Manual to the prisoner. The prisoner is also at liberty to challenge the detention order, if any, served on him in the



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manner known to law. With this observation, the habeas corpus petition stands disposed of.

Index : yes

(S.M.S.,J.)

(V.S.G.,J.)

Neutral citation : yes/no

03.10.2024

SS

To

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