



W.P(MD)No.3796 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P(MD)No.3796 of 2024
and
WMP(MD)No.3694 of 2024

P.Gopal

... Petitioner

VS.

1. The Principal Secretary,
Home (Prison) Department,
Fort. St. George, Secretariat,
Chennai – 600 009.

2. The Additional Director General of Police (Prison) /
The Inspector General of Prison,
CMDA Tower - II,
No.1, Gandhi Irwin Road,
Egmore, Chennai.

3. The Superintendent of Prison,
Coimbatore Central Prison,
Coimbatore.

4. The Superintendent of Prison,
Madurai Central Prison,
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus, directing the respondents 1 and 2 to transfer
the petitioner's co-brother namely Murugan S/o. Kuruvan @ Kuruvasamy



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Thevar, aged about 47 years from the Central Prison, Coimbatore to the Central Prison, Madurai, by considering the petitioner's representation dated 02.02.2024 forthwith.

For Petitioner : Mr.C.Prithviraj
For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.
and
C.KUMARAPPAN, J.

The writ petition is filed for transfer of prisoner by name Murugan S/o. Kuruvan @ Kuruvassamy Thevar who is convicted and confined in the Central Prison, Coimbatore, for the offences under the Protection of Children from Sexual Offences Act, 2012. The co-brother of the convict has moved this writ petition with the prayer that the convict should be transferred from the Central Prison, Coimbatore, to Central Prison, Madurai, on the ground that to engage the counsel and to get instructions from the prisoner, the petitioner who is residing in Ramanathapuram, finds it difficult to travel to Coimbatore and therefore, if the prisoner is transferred to Central Prison, Madurai, he will be able to get instructions. In this regard, the petitioner has sent representation



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dated 02.02.2024 to the prison authorities. Since no order is passed, present writ petition seeking Mandamus is filed.

2. On hearing the counsel and perusing the affidavit filed in support of the writ petition, this Court finds that the reason stated in the affidavit even if it is to be accepted, the transfer of the prisoner from Coimbatore to Madurai does not warrant since apart from two cases in which he has been convicted and appeal pending, there is yet another case pending trial before the Special Court for POCSO Offences at Tiruppur. Therefore, confining the convict at Central Prison, Coimbatore, is more convenient for both prosecution and the convict / under-trial prisoner. Therefore, this Court finds no merit in the writ petition.

3. Hence, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.J., J.) (C.K., J.)
20.02.2024

Index : Yes / No
Neutral Citation : Yes / No



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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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ORDER MADE IN
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