



W.P.(MD)No.21259 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.21259 of 2024

B.Vasantha

...Petitioner

Vs.

1.The Director General of Prison,
(Correctional services) Madurai Range,
O/o.Madurai Central Prison,
New jail road, Arasaradi,
Madurai.

2.The Superintendent of Central Prison,
O/o.Superintendent of Central Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent not to force the petitioner's son Vicky @ Vigneshwaran (CT No.5226) to cut-off and shave his hair on his head and face against his religious faith and contra to Tamil Nadu Prison Manual Rules, 1983 by considering the petitioner's representation dated 16.08.2024.



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For Petitioner : Mr.G.Sujeeth

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The Writ Petition has been filed seeking orders to direct the second respondent not to force the writ petitioner's son Vicky @ Vigneshwaran (CT No.5226) to cut-off and shave his hair on his head and face against his religious faith and contra to Tamil Nadu Prison Manual Rules, 1983 by considering the writ petitioner's representation dated 16.08.2024.

2. The learned counsel appearing for the writ petitioner would submit that the writ petitioner's son, namely, Vicky @ Vigneshwaran was convicted in C.C.No.30 of 2022 on the file of the Special Court for EC and NDPS Act Cases, Pudukkottai and he was sentenced to undergo 12 years rigorous imprisonment and that the writ petitioner's son has preferred an appeal and the same is pending before this Court in Crl.A. (MD)No.94 of 2024.

3. The learned counsel appearing for the writ petitioner rely on the Rule 208 of Tamil Nadu Prison Rules, 1983. Rule 208 of Tamil Nadu



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Prison Rules, 1983 contemplates that every male prisoner sentenced to rigorous imprisonment for a longer term than one month or to imprisonment for life shall, on final confirmation of the sentence, or expiry of the period of appeal without an appeal having been preferred, have the hair of his head cut or trimmed only to such an extent and at such times as may be necessary for the purposes of health and cleanliness, unless he desires that it should be cut shorter and in the same rule, it has been stated that “final confirmation of the sentence” means the decision of an appeal under Chapter XXIX of the Code of Criminal Procedure.

4. The learned counsel appearing for the writ petitioner would submit that since the appeal is pending, they cannot compel the writ petitioner's son to have a hair cut as suggested by them.

5. The learned Additional Public Prosecutor appearing for the respondents would fairly concede that the appeal is pending and the prison authority has right to direct the writ petitioner's son to have such a hair cut after the final confirmation of the sentence.



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6. Considering the above, the Writ Petition stands allowed and the second respondent is directed not to force the writ petitioner's son Vicky @ Vigneshwaran (CT No.5226) to cut-off and shave his hair on his head till the final confirmation of the sentence. No costs.

12.09.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To

- 1.The Director General of Prison,
(Correctional services) Madurai Range,
O/o.Madurai Central Prison,
New jail road, Arasaradi,
Madurai.
- 2.The Superintendent of Central Prison,
O/o.Superintendent of Central Prison,
Central Prison,
Palayamkottai,
Tirunelveli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

csm

**Order made in
W.P.(MD)No.21259 of 2024**

Dated : 12.09.2024