



W.P.No.19668 of 2024

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WEB S.M.SUBRAMANIAM, J.
and
V.SIVAGNANAM, J.

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

The writ petition on hand has been instituted to direct the respondents 1, 2 & 3 to consider the representation of the petitioner dated 02.07.2024 and provide proper medical treatment to the petitioner's son, namely, Sivakumar, S/o Sathish, aged about 30 years, Ct.No.2209, Convict Prisoner, presently confined at Central Prison, Vellore.

2. The convict prisoner was sentenced to imprisonment for life. The petitioner made certain serious allegations against the prison warders and the authorities and further states that the prisoner was kept in solitary confinement. The petitioner states that her son/prisoner was assaulted by the prison authorities, Mani, Prakash and Raja Suresh based on certain false allegations that he had stolen a sum of Rs.4.50 lakhs, silver jewellery and other articles from the residence of D.I.G. of Prisons/respondent-3. It is stated that the prisoner's life is in danger in the hands of the prison authorities/respondents 3 & 4. The jail authorities refused permission to the petitioner to see her son and no interview was permitted for about 90 days.



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The convict was punished by the third respondent for prison offence based on certain false allegations.

3. Since the allegations raised by the petitioner are found to be serious in nature, we have directed the learned Chief Judicial Magistrate, Vellore to meet the life convict Mr.Sivakumar, S/o Mr.Sathish, aged about 30 years, Ct.No.2209 convict prisoner, conduct an enquiry and record his statements regarding the allegations about the incidents allegedly occurred.

4. In pursuance of our directions, the learned Chief Judicial Magistrate, Vellore submitted his detailed report vide Dis.No.2805/24 dated 04.09.2024. We have gone through the report in entirety and it is shocking to our conscience. Serious allegations are raised against the prison authorities which require a detailed enquiry. It is not only a case of violation of the Prison Manual, but a case of harassment/torture of the convict prisoner inside the prison. Illegal utilisation of convict prisoners in the residences of the jail authorities are also stated in the report. They have not only violated the service conditions, but indulged in commission of offences.

5. In view of the report of the learned Chief Judicial Magistrate,



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Vellore dated 04.09.2024, we have decided to initiate all appropriate actions

WEB COPY in the interest of justice and hence pass the following interim orders:-

- (i) The Registrar General, High Court, Madras is directed to communicate a copy of the report submitted by the learned Chief Judicial Magistrate, Vellore dated 04.09.2024 along with the statements enclosed therein, in a sealed cover, to the Director General of Prisons and Correctional Service, Whannels Road, Egmore, Chennai and the Superintendent of Police, C.B.C.I.D., Chennai, by today.
- (ii) The Director General of Prisons, on receipt of the said report, is directed to examine the contents and initiate all departmental actions against the erred officials under the relevant Act and Rules within a period of ten days from today.
- (iii) The Superintendent of Police, C.B.C.I.D., Chennai is directed to register criminal cases based on the report of the learned Chief Judicial Magistrate, Vellore dated 04.09.2024 against all the offenders and commence investigation forthwith and intimate the actions taken at the end of C.B.C.I.D., to this Court on 20.09.2024.
- (iv) The convict prisoner Mr.Sivakumar, S/o Sathish, aged about 30 years, Ct.No.2209, who is now confined in Central Prison, Vellore, is directed to be transferred to the Central Prison, Salem by tomorrow (06.09.2024).
- (v) The Superintendent of Prison, Central Prison, Salem is directed to provide all necessary medical treatment to the convict prisoner Mr.Sivakumar, S/o Sathish immediately and if necessary, by admitting him in the hospital.



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WEB COPY 6. Since the allegations require further considerations and it is just and necessary to monitor the actions initiated by the competent authorities and the Government, we are inclined to monitor the present case in the interest of justice and to ensure that the convict prisoners' right to life and other rights conferred under the law are protected, which have been elaborately considered by a Constitution Bench of the Hon'ble Supreme Court in *Sunil Batra v. Delhi Administration and others*, (1978) 4 SCC 494 and by a three-Judge Bench of the Hon'ble Supreme Court in *Sunil Batra (II) v. Delhi Administration*, (1980) 3 SCC 488.

7. List the matter on 18.09.2024. The original report submitted by the learned Chief Judicial Magistrate, Vellore shall be kept in safe custody by the Registrar (Judicial), High Court, Madras.

(S.M.S.,J.) (V.S.G.,J.)
05.09.2024

Registry is directed to
issue the order copy today
SS



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