

Mrs. Banu. Vs. the Superintendent,

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Court : Chennai

Decided On : Aug-09-2010

Judge : M. Chockalingam; M. Sathyanarayanan, Jj.

Acts : Constitution Of India - Article 226

Appeal No. : HCP. No.1493 of 2010

Appellant : Mrs. Banu.

Respondent : The Superintendent,

Advocate for Def. : Mr. Babu Muthumeeran, Adv.

Advocate for Pet/Ap. : Mr. Jeevagiridharan, Adv.

Judgement :

1. The grievance ventilated by the petitioner is that her husband is involved in criminal case and he is kept in solitary confinement, which would be infringement of his fundamental rights enshrined under the Constitution of India. Under such circumstances, it is a fit case to issue a writ of habeas corpus.

2. In answer to the above, it was contended by the learned counsel appearing for the State that the detenu Saravanan @ Thiruttu Saravanan was confined in Security Block-I where 42 prisoners were confined. Along with him, the other prisoners were in Cell. Numbers were also given. The averments made by the petitioner that the detenu is solitarily confined is not correct.

3. In view of the statement made by the learned counsel appearing for the State, the averments made in the affidavit filed in support of the habeas corpus petition as if the detenu is in solitary confinement cannot be accepted. The habeas corpus petition stands disposed of accordingly.

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