

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI

Present: Thiru S. Karthikeyan, M.A., M.L., M.Sc., P.G.D.C.F.Sc.,

Principal Sessions Judge

Monday, the 16th day of June, 2025.

CrI.M.P.No.2 / 2025

in

S.C.No.425/2024

K.Hariharan

.. Petitioner / 17th Accused

Vs.

The State, Represented by
The Inspector of Police,
K-1, Sembum Police Station,
Chennai.

.. Respondent / Complainant

This petition is coming on 10.06.2025 before this court for hearing in the presence of M/s.R.Sivakumar and S.Sandeep, the counsel for the petitioner/accused and of the City Public Prosecutor for the respondent police and upon hearing both sides argument and upon perusal of case-records and having stood over for consideration till this day, this Court delivered the following:

ORDER

1. Petition seeking to order recommending the prison authorities to treat and classify the petitioner / 17th accused as a Special or "A" class prisoner at Central Prison-1, Puzhal.

2. According to the petitioner, the petitioner remains in judicial custody in the above S.C. No. 425 of 2025 and facing trial for the alleged offences U/s. 61 (2) (a) r/w 103(1), 103(1) r/w 49, 238 r/w 103(1), 238 r/w 49 of BNS, 2023 and 4 (b) (1) of Explosive Substances Act, 1908 and now presently, he remains as under trial prisoner as PID NO. 610977 at Central Prison-I, Puzhal, HS Block. The petitioner has been falsely implicated into this case out of misdirected Investigation and the Petitioner/17th accused has no previous case or criminal antecedents of whatsoever nature and hail from a decent family. The petitioner had completed his 5 Years Law Course in the year 2019 in School of Excellence in Law in Tamil Nadu Dr. Ambedkar Law University and prior to this case and after completing his law degree course he was enrolled in the Bar Council of Tamil Nadu and Puducherry in the year 2019 in

Ms. No. 4867/2019 and started his practice as an advocate in and around Chennai, Tiruvallur and in various districts. Throughout his lifetime the Petitioner/17th Accused has led a decent, healthy and nutritious lifestyle. He is also an income tax assessee and a tax payer and holding Pan Card.

3. In the light of educational background and prior living conditions of the Petitioner and upon considering his socio-economic status, the Petitioner/17th Accused deserved to be classified as "A" or special class under trial prisoner. The Petitioner/17th Accused finds much difficulties in pursuing the prison life as a common class prisoner and he was put to severe hardships and also suffered health complications. However, for the reasons not known to the Petitioner/17th Accused, he was not classified as a Special or A-class prisoner and being treated as common class prisoner. In these circumstances it would be just and necessary to forward an initial recommendation to the prison and other concerned authorities to treat the Petitioner/17th Accused as a special or "A" class prisoner at Central Prison, Puzhal.

3. The learned City Public Prosecutor submitted that since the prayer for providing Special class is to be decided as per the Prison Manual, the same may be forwarded to the Prison Authorities.

4. On a careful perusal of the records, it is found that the petitioner is a practicing lawyer. To establish the same, he has produced the copy of Provisional Certificate, Transfer Certificate, Conduct Certificate and Mark Sheet issued by the Tamil Nadu Dr. Ambedkar Law University, Chennai. Further he has produced the copy of Certificate of Enrolment in the Bar Council of Tamil Nadu and Puducherry along with copy of I.D. Card. In view of the above documents, it is found that the petitioner has accustomed to a superior mode of living and therefore, as per Rule 815 of Tamil Nadu Prison Manual, this court is inclined to recommend to the District Magistrate to provide Special Class in the prison in which he was lodged.

4. In the result, this petition is allowed.

Dictated to stenographer, transcribed by him, corrected and pronounced by me in the open court this the 16th day of June, 2025.