



Madras HC Orders State To Pay ₹3.5 Lakh Compensation To Murder Accused Who Was Illegally Detained In Prison After Acquittal

By Ashish Shaji | 16 Jan 2023 1:00 PM



The Madras High Court has directed the State to pay Rs. 3.5 Lakh compensation to a man who was illegally detained in prison for 9 months after the Court had ordered his acquittal. The bench of Justice Sunder Mohan held that the detention of the accused was illegal after the Court had directed his release from prison. In this case, petitioner's son was tried for the

offence under Section 302 of Indian Penal Code along with another accused. The Trial Court convicted both the accused for the offence under Section 302 IPC and sentenced them to life imprisonment. The other accused challenged the said judgment before the High Court. The Court acquitted him and also found that the petitioner's son, who is A2, had not preferred any appeal against the judgment and was languishing in jail.

The Court further found that the petitioner's son was also entitled for acquittal for the very same reasons thus the Court directed release of the petitioner's son from jail. The petitioner and his son were not aware of the above direction issued by the Court. They were informed by a lawyer and thereafter, petitioner's son was released. It is the case of the petitioner that his son's detention from October 2019 to July 2020 is due to the negligence and dereliction of duty of the prison officials and therefore, the petitioner's son is entitled to compensation for the illegal detention. The concerned jail authority filed a counter affidavit stating that the officials had not released the petitioner's son because the Court had referred to the petitioner's son as A2 and his name was not found in the judgment.

Advocate Henri Tiphagne appeared for the petitioner whereas R.Meenakshi Sundaram, Additional Public Prosecutor appeared for the respondents. The Court refuted the defense of the respondent. "The respondents cannot say that they did not release the petitioner's son as he was only referred to A2 and no name was mentioned. The direction issued by this Court has been extracted in the earlier part of this order. When such a specific direction has been issued by this Court, it is the bounden duty of the prison officials to verify as to who is A2 and in any event, if they had any doubt, they ought to have obtained clarification from this Court immediately.". the Court observed. The Court directed the State to pay to the petitioner's son a sum of Rs.3,50,000 as compensation within three weeks.

The Court also directed the State to file a status report as to the steps taken for installing KIOSK machines in all the prisons which will enable the prisoners to know the status of their case and the steps taken to include Tamil language for the purpose of enabling the prisoners to access the same.

<https://www.verdictum.in/court-updates/high-courts/madras-hc-pay-35-lakh-compensation-accused-illegally-detained-prison-1457692>