

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.04.2015

Coram:

The Hon'ble Dr.Justice S.TAMILVANAN
and
The Hon'ble Mr.Justice B.RAJENDRAN

H.C.P. No.1060 of 2015

Amaravathy

... Petitioner

vs.

1. The State of Tamil Nadu
rep.by its Secretary
Department of Home
Fort St.George
Chennai 600 009.

2. The Superintendent
Central Prison, Puzhal
Chennai.

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the respondents to grant one week emergent leave to the detainee Selvam @ Bomb Selvam, S/o.Duraikannu, now confined at Central Prison, Puzhal, Chennai and set him at liberty.

For petitioner : Mr.R.Sankarasubbu

For respondents : Mr.A.N.Thambidurai
Additional Public Prosecutor

O R D E R

(The Order of the Court was made by S.TAMILVANAN.J.)

This Habeas Corpus Petition has been filed by the wife of the life convict, viz., Selvam @ Bomb Selvam, S/o Duraikannu, now confined at Central Prison, Puzhal-1, Chennai seeking to direct the respondents to grant one week emergent leave to the detainee.

2. The petitioner/wife of the life convict, Selvam @ Bomb Selvam, S/o Duraikannu who has been convicted for the offences under Sections 302, 364, 365, 347, 387 and 201 of IPC and sentenced to life imprisonment, has filed the present petition seeking parole to her husband as she has to undergo surgery for removing the plates inserted in her body. According to the petitioner, the presence of her husband is very much required as she has no one to look after her in the hospital. Hence, the petition.

3. The learned Additional Public Prosecutor appearing on behalf of the respondents has filed a counter affidavit stating that the life convict was earlier sent on emergency leave for three days to see his ill wife. However, after completion of his leave, he did not return on the same day and again he was sent on leave with police escort for three days from 26.12.2014 to look after his wife. Accordingly, due to his past history, the learned Additional Public Prosecutor prayed for the dismissal of this petition.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and we have also gone through the documents available on record.

5. In view of the urgency expressed on the side of the learned counsel for the petitioner to the effect that she has to undergo surgery to remove the plates inserted in her body, this Court is of the considered view that the presence of the life convict is very much necessary to accompany her.

6. In view of the aforesaid circumstances, we pass the following order:-

[a] The life convict Prisoner 2627, namely, Selvam @ Bomb Selvam Son of Duraikannu, who is now confined in the Central Prison, Puzhal-1, Chennai, is granted parole from 6.00 a.m. on 06.05.2015 (Wednesday) to 6.00 p.m. on 11.05.2015 (Monday) for six days;

[b] The Superintendent of Central Prison, Puzhal-1, Chennai, is hereby directed to pass appropriate orders releasing the convict, granting parole for the aforesaid purpose.

[c] The Jail Authorities are directed to release the life convict, namely, Selvam @ Bomb Selvam Son of Duraikannu, on production of this order.

[d]It is made clear that the convict should be brought back to the Central Prison, Puzhal-1, Chennai, by 6.00 p.m. on 11.05.2015, without fail.

[e]The Jail Authorities during the period of parole, shall provide proper escort to the detenu in order to ensure the safety and security of the detenu. They shall also impose suitable conditions to that effect.

[f]The detenu should also abide by the conditions to be imposed by the authorities concerned.

7.The Habeas Corpus Petition is ordered in the above terms. Post on 13.05.2015, for reporting compliance.

29.04.2015

This petition having been posted under the caption for Reporting compliance on Wednesday the 20th day of May 2015 in pursuant the order dated 29.04.2015 before the abovesaid advocates the court made the following order:-

[Order of the Court was made by M.DURAI SWAMY J.,]

By order dated 29.04.2015, this court passed the following order:-

"[a] The life convict Prisoner 2627, namely, Selvam @ Bomb Selvam Son of Duraikannu, who is now confined in the Central Prison, Puzhal-1, Chennai, is granted parole from 6.00 a.m. on 06.05.2015 (Wednesday) to 6.00 p.m. on 11.05.2015 (Monday) for six days;

[b]The Superintendent of Central Prison, Puzhal-1, Chennai, is hereby directed to pass appropriate orders releasing the convict, granting parole for the aforesaid purpose.

[c]The Jail Authorities are directed to release the life convict, namely, Selvam @ Bomb Selvam Son of Duraikannu, on production of this order.

[d]It is made clear that the convict should be brought back to the Central Prison, Puzhal-1, Chennai, by 6.00 p.m. on 11.05.2015, without fail.

[e]The Jail Authorities during the period of parole, shall provide proper escort to the detenu in order to ensure the safety and security of the detenu. They shall also impose suitable conditions to that effect.

[f]The detenu should also abide by the conditions to be imposed by the authorities concerned."

2. The matter has been listed today for reporting compliance.

3. Mr.M.Maharaja, learned Additional Public Prosecutor submitted that convict has complied with the conditional order imposed by this court on 29.04.2015.

4. The submission made by the learned Additional Public Prosecutor, is recorded.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

To

1. The Secretary
to State of Tamil Nadu
Department of Home
Fort St.George
Chennai 600 009.
2. The Superintendent of Police
Central Prison, Puzhal
Chennai.
3. The Public Prosecutor,
High Court, Madras.

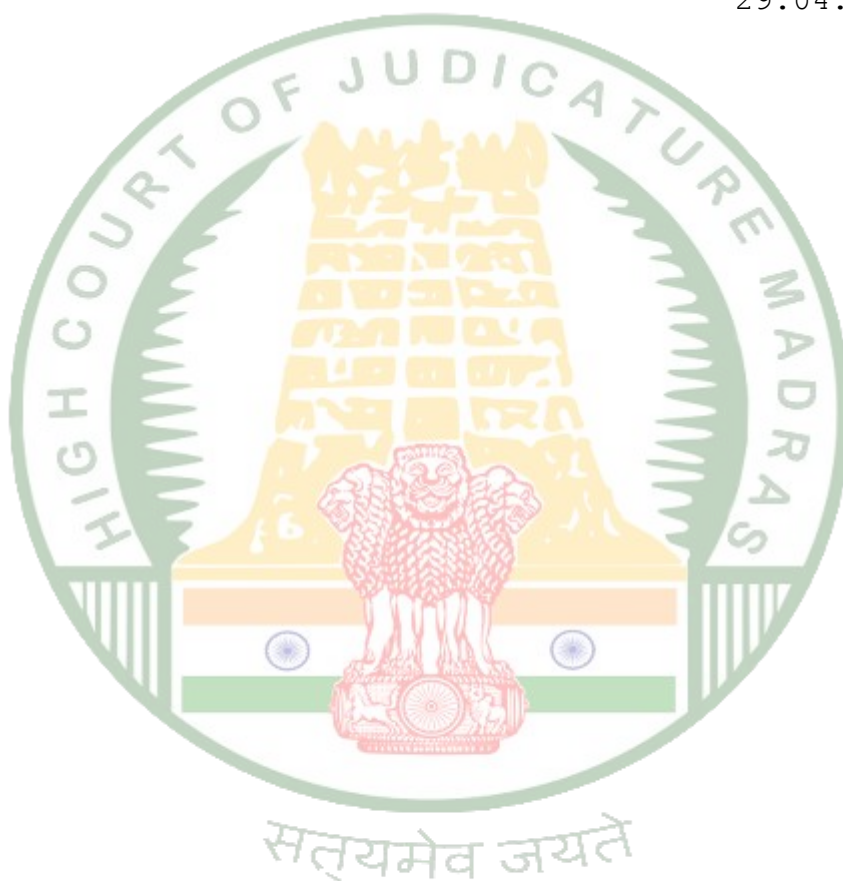
4. The Director General of Police
Mylapore, Chennai-4

5. The Collector
Chennai

H.C.P. No.1060 of 2015

29.04.2015/ 20.05.2015

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