

In the High Court of Judicature at Madras

Dated: 6.2.2015

Coram:

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MRS.JUSTICE ARUNA JAGADEESAN

H.C.P. No.394 of 2015

Syed Abuthahir .. Petitioner/Father of the Detenu
vs.

1. The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Chennai-17.
2. The Superintendent of Prisons,
Central Prison, Puzhal, Chennai. .. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for direction directing the 1st and 2nd Respondents to release the petitioner's son by name Ashiq Ahmed, s/o. Syed Abuthahir, aged about 22 years now confined in Central Prison, Puzhal, Chennai in connection with a case in R.R.No.2 of 2015 on the file of the Learned Additional Chief Metropolitan Magistrate, E.O.II, Egmore, Chennai on parole for 3 days to perform the death rites to his grandmother viz. Ayisha Ammal, w/o.Syed Ahmed.

For petitioner : Mr.R.Sankarasubbu
For respondents : Mr.A.N.Thambidurai, APP.
1 & 2

सत्यमेव जयते
O R D E R

This Habeas Corpus Petition has been filed seeking to direct respondents 1 and 2 to release the petitioner's son by name, Ashiq Ahmed, S/o.Syed Abuthahir, aged about 22 years, now confined in the Central Prison, Puzhal, Chennai, in connection with a case in R.R.No.2/2015 on the file of the learned Additional Chief Metropolitan Magistrate, EO-II, Egmore, Chennai, on parole, for a period of three days, to perform the death rites of his grandmother, viz., Ayisha Ammal, W/o.Syed Ahmed.

2. The petitioner/father of the remand prisoner Ashiq Ahmed, S/o.Syed Abuthahir, aged about 22 years, has filed the present petition seeking parole to his son, for a period of three days, to

perform the death rites of his grandmother, who died on 5.2.2015. According to the petitioner, the presence of his son is much required to perform the death rites of the deceased. Hence, the petition.

3.The learned Additional Public Prosecutor would also affirm the factum of the death of the deceased Ayisha Ammal, W/o.Syed Ahmed.

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 of the remand prisoner attending the death rites/ceremonies of the deceased, this Court is of the considered view that the presence of the remand prisoner is very much necessary.

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

[a] The remand prisoner, Ashiq Ahmed, S/o.Syed Abuthahir, aged about 22 years, now confined in the Central Prison, Puzhal, Chennai, is granted parole from 4 p.m. on 6.2.2015 to 11 a.m. on 9.2.2015;

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

[c]The Jail Authorities are directed to release the remand prisoner, namely, Ashiq Ahmed, S/o.Syed Abuthahir, on production of this order.

[d]It is made clear that the remand prisoner should be brought back to the Central Prison, Puzhal, Chennai, by 11 a.m. on 9.2.2015, without fail.

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

[f]The remand prisoner 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 11.2.2015, for reporting compliance.

vsi/gi.

-s/d-

Assistant Registrar (CS-II)

Dt:6/2/2015

True Copy

Sub-Assistant Registrar

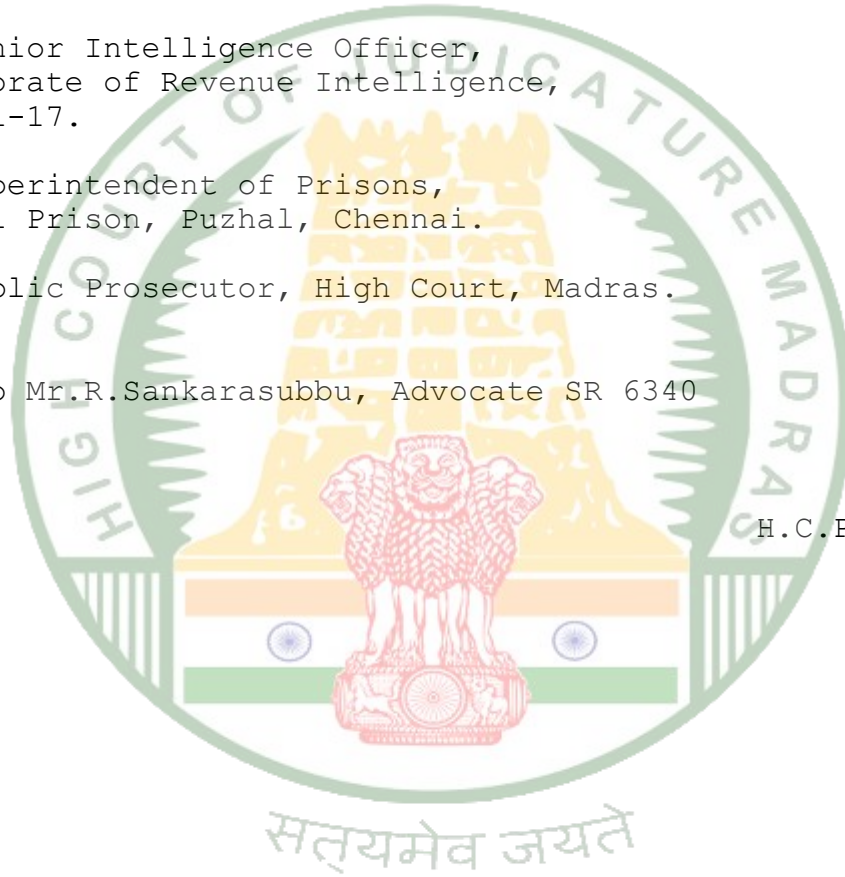
To

1. The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Chennai-17.
2. The Superintendent of Prisons,
Central Prison, Puzhal, Chennai.
3. The Public Prosecutor, High Court, Madras.

+ 2 ccs to Mr.R.Sankarasubbu, Advocate SR 6340

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