

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.04.2015

CORAM

THE HONOURABLE DR. JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR. JUSTICE C.T.SELVAM

HCP/No.978/2015

Zaheer Hussain

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Petitioner

Versus

1. The Deputy Inspector General of Prison [Hqrs]
CMDA Towers-II, No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.
2. The Deputy Inspector General of Prison
Coimbatore Range, Coimbatore.
3. The Superintendent of Prison
Coimbatore Central Prison,
Coimbatore.

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Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus to bring the person Ameer John, by directing the 1st respondent to grant 20 days leave to the petitioner's father on the representation dated 28.03.2015.

For Petitioner : M/s.N.Valliamma

For Respondents: Mr.A.N.Thambidurai, APP

सत्यमेव जयते
ORDER

[Order of the Court was made by S.TAMILVANAN, J.]

The petitioner / son of the detenu Ameer John [a life convict, who has been convicted and sentenced to life imprisonment by the learned Judge concerned in SC.No.39/2007], has filed the present petition seeking leave for twenty days for performing the detenu's daughter's marriage to be held on 26.04.2015.

2.According to the petitioner, his father/the detenu herein, namely Ameer John, is a life convict and that he is undergoing his sentence of imprisonment in the Central Prison, Coimbatore. It is further stated that the petitioner's sister/daughter of the detenu is

getting married on 26.04.2015 at Bhadma Shree Marriage Hall, Dhali Road, Udumalpet and the presence of the detenu, being a father, is essential for performing the marriage. The petitioner further state that he seeks for twenty days parole for the detenu as they have to sell a property and mobilise funds for performing the marriage and as the detenu is one of the sharers of the said property, his presence is very much required for signing the Sale Deed. The representations made to the respondents herein also did not evoke any response. Hence, the petitioner has filed the present petition seeking the aforesaid prayer.

3.The learned Additional Public Prosecutor would also affirm the factum of the marriage of the petitioner's sister/detenu's daughter on 26.04.2015.

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 including the marriage invitation annexed in the typed set of papers.

5.In view of the fact that the urgency expressed on the side of the learned counsel for the petitioner to the effect of the detenu attending his daughter's marriage, this Court is of the considered view that the presence of the detenu Ameer John is very much necessary.

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

[a]The detenu, namely, Ameer John, life convict, who is now confined in the Central Prison, Coimbatore, is granted LEAVE for a period of six days, i.e., FROM 8.00 a.m. on 24.04.2015 till 6.00 p.m. on 29.04.2015.

[b]The Superintendent of Central Prison, Coimbatore, is hereby directed to pass appropriate orders releasing the detenu, granting him six days leave as aforesaid for the purpose.

[c]The Jail Authorities are directed to release the detenu, namely, Ameer John, a life convict, on production of this order.

[d]It is made clear that the detenu should be brought back to the Central Prison, Coimbatore, by 6.00 p.m. on 29.04.2015 without fail.

[e]The Jail Authorities during the period of LEAVE, 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.

6.Post the Habeas Corpus Petition on 30.04.2015 for reporting compliance.

AP

-s/d-
Assistant Registrar(LA)

True Copy

Sub-Assistant Registrar

To

1. The Deputy Inspector General of Prison [Hqrs]
CMDA Towers-II, No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.
2. The Deputy Inspector General of Prison
Coimbatore Range, Coimbatore.
3. The Superintendent of Prison
Coimbatore Central Prison,
Coimbatore.
4. The Public Prosecutor
High Court, Chennai.
5. The Superintendent of Central Prison,
Coimbatore.

+ 1 cc to M/s.N.Valliamma, Advocate , SR. 22016

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