

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.07.2015

CORAM

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

HCP.No.3384/2014
and
M.P.No.1 of 2014

Sowbakkiyam

...Petitioner

Versus

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

2. The Superintendent of Central Prison,
Cuddalore, Cuddalore District.

...Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus directing the respondents to grant six weeks ordinary leave to take treatment outside hospital to life convict Kathiresan, aged about 53 years, Son of Ramu Gounder, now confined at Central Prison, Cuddalore to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

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

ORDER

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

The petitioner / wife of the detenu Karthiresn [a life convict, who has been convicted and sentenced to life imprisonment by the learned Judge concerned in SC.No.107/1985], has filed the present petition seeking leave for six weeks for undergoing treatment for his

heart ailment.

2. According to the petitioner, her husband/the detenu herein, namely Kathiresan, is a life convict and that he is undergoing his sentence of imprisonment in the Central Prison, Cuddalore. It is further stated that his husband, the life convict is suffering from Chronic heart ailment and is taking treatment as inpatient in Central Prison, Cuddalore. It is also stated that the life convict Kathiresan has to be operated at outside hospital for brain tumor. In this regard, the representation made to the respondents herein on 14.11.2014 also did not evoke any response. Hence, the petitioner has filed the present petition seeking the aforesaid prayer. In support of his contentions, the learned Counsel for the petitioner has also filed the Medical Report of the detenu Kathiresan along with the typed set of papers.

3. The learned Additional Public Prosecutor appearing for the respondents relying on the counter affidavit filed by the 2nd respondent, namely, the Superintendent of Prisons, Central Prison, Cuddalore would submit that proper treatment has already been provided to the husband of the petitioner, namely, Kathiresan.

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 annexed in the typed set of papers.

5. Considering the facts and circumstances of the matter, more particularly, the health condition of the life convict Kathiresan, we are of the view that the case of the petitioner's husband, namely, life convict Kathiresan has to be considered on humanitarian grounds. However, to prove the bonafide, the petitioner has to provide necessary medical certificate for proper medical treatment for which the learned Additional Public Prosecutor has no objection.

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

[a] The detenu, namely, KATHIRESAN, life convict, who is now confined in the Central Prison, Cuddalore, is granted LEAVE for a period of Seven days, i.e., From 7.30 a.m. on 14.07.2015 till 5.30 p.m. on 20.07.2015.

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

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

[d]It is made clear that the detenu should be brought back to the Central Prison, Cuddalore, by 5.30 p.m. on 20.07.2015 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. Consequently, connected Miscellaneous Petition is also closed.

7. Post the Habeas Corpus Petition after two weeks for reporting compliance.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

tsi

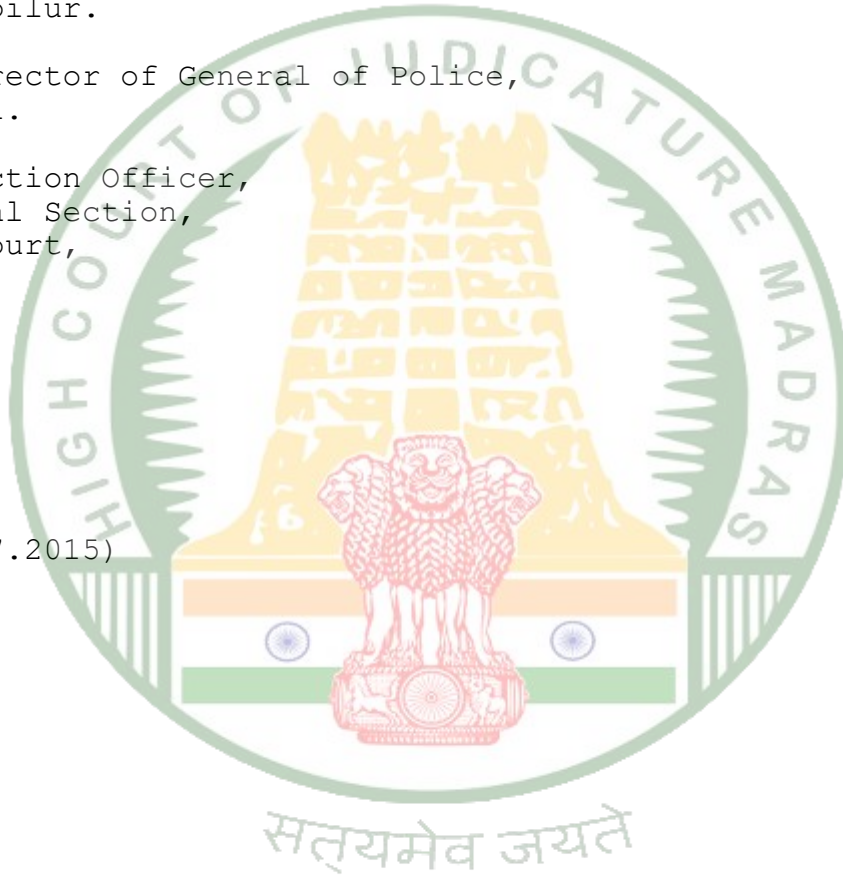
To

1. The Secretary,
State of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai-600 009.
2. The Superintendent of Central Prison,
Cuddalore, Cuddalore District.
3. The Public Prosecutor
High Court, Chennai.
4. The District Collector,
Cuddalore.

5. The Secretary to Government,
Public (Law & Order)
Fort St. George, Chennai - 9.
6. The Additional Sessions Judge,
Villupuram.
7. The Principal Sessions Judge,
Villupuram.
8. The Judicial Magistrate,
Thirukoilur.
9. The Director of General of Police,
Chennai.
10. The Section Officer,
Criminal Section,
High Court,
Madras.

KGK (CO)
PSI (08.07.2015)

HCP.No.3384/2014



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