

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R. SUDHAKAR
AND

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

HCP.No.2738/2015

A.Kandeeban

.. Petitioner

Versus

- 1.The Secretary to Government
State of Tamil Nadu
Home, Prohibition & Excise Department
Secretariat, Chennai 600 009.
- 2.The Additional Director General of Police
& Inspector General of Prisons,
Gandhi Irwin Road, Egmore,
Chennai 600 008.
- 3.The District Collector
Cuddalore District, Cuddalore.
- 4.The Superintendent of Prisons,
Central Prison, Cuddalore.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents to produce the petitioner's father namely Anabazhagan son of Kasampu aged 66 years, now confined in the Central Prison, Cuddalore, before this Court and to release the petitioner's father on medical grounds.

For Petitioner : Mr.P.Pugalenth
For RR 1 to 4 : Mr.A.N.Thambidurai
Addl. Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.,]

The above petition has been filed by the petitioner/son of the detenu Anbazhagan, son of Kasampu, aged 66 years, to cause production of his father before this Court and to release him from the prison on medical grounds.

2 It is the case of the petitioner that his father/detenu is a life convict [Convict No.12101] and is undergoing imprisonment in the Central Prison, Cuddalore, for the past more than 10 years. It is the further submission of the petitioner that his father is suffering from severe ailment and that according to the opinion of the Prison Doctor, the detenu will survive only for few days. The Joint Director of the Government Hospital, Cuddalore, has also recommended the case of the detenu for premature release under rule 632 of the Tamil Nadu Prison Manual. Hence, the petitioner has sent a representation dated 14.10.2015 to the respondents and since the same did not evoke any response, he has approached this Court by way of filing the above petition.

3 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and also perused the materials placed before us.

4 It is the case of the petitioner that his father/detenu is a life convict and that he is physically indisposed and deserves to be released prematurely on medical grounds. It is seen that the detenu has not given any representation and that only his son, the petitioner herein, has sent a representation on 14.10.2015.

5 Under such circumstances, the detenu is directed to submit a representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the 1st respondent is directed to consider the same on merits and in accordance with law as expeditiously as possible.

6 With the above direction, the Habeas Corpus Petition is disposed of.

सत्यमेव जयते

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

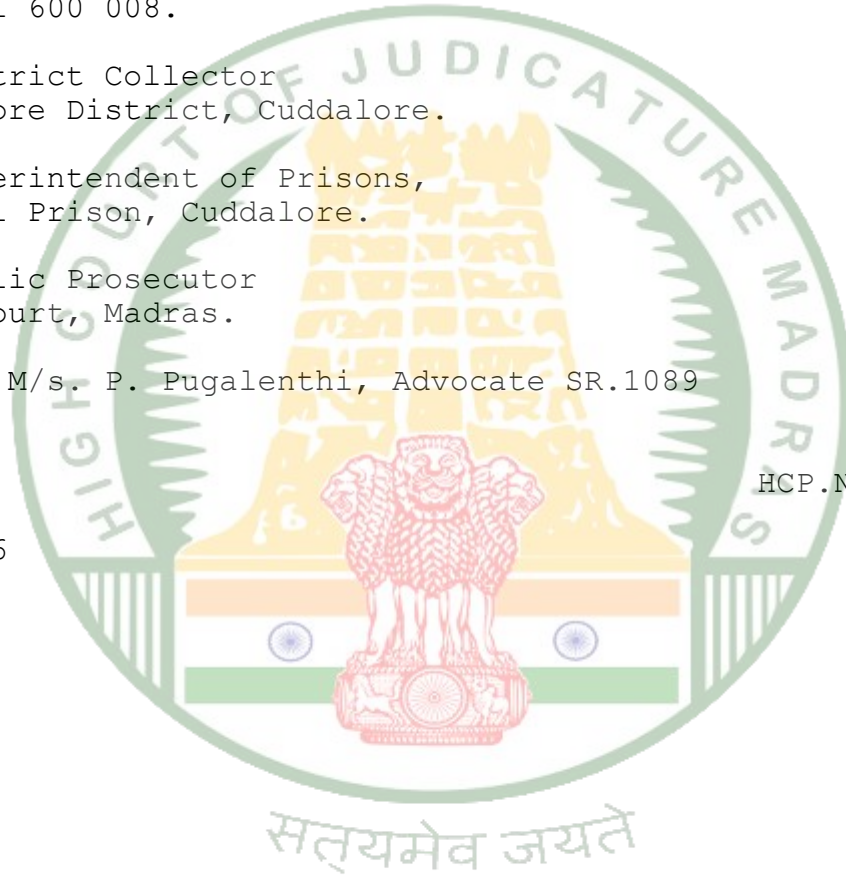
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To

- 1.The Secretary to Government
State of Tamil Nadu
Home, Prohibition & Excise Department
Secretariat, Chennai 600 009.
 - 2.The Additional Director General of Police
& Inspector General of Prisons,
Gandhi Irwin Road, Egmore,
Chennai 600 008.
 - 3.The District Collector
Cuddalore District, Cuddalore.
 - 4.The Superintendent of Prisons,
Central Prison, Cuddalore.
 - 5.The Public Prosecutor
High Court, Madras.
- + 1 cc to M/s. P. Pugalenth, Advocate SR.1089

PPA(CO)
EU 21.1.16

HCP.No.2738/2015



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