

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3.2.2016

Coram:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.161 of 2016

S.Fathima

.. petitioner

vs.

1. The State represented by its
The Secretary to Government of Tamil Nadu
Department of Home
Fort St.George
Chennai - 600 009
 2. The Additional Director General of Prison
C.M.D.A. Towers
Egmore, Chennai - 600 008
 3. The Superintendent
Central Prison
Coimbatore
- ... Respondents

H.C.P. has been filed to direct the respondents to grant leave for 20 days to the petitioner's son, the detenu, S.Santhu Mohamed, son of A.M.Sheriff, aged about 30 years, convict No.10708, detained at Central Prison, Coimbatore.

For petitioner : Mr.S.Manoharan

For Respondent : Mr.V.M.R.Rajentran
Additional Public Prosecutor

O R D E R

(The Order of the Court was made by M.JAICHANDREN J.,)

This Habeas Corpus Petition has been filed praying that this Court may be pleased to issue a direction to the respondents to grant leave for 20 days to the detenu, namely, S.Santhu Mohamed, son of A.M.Sheriff, aged about 30 years (convict No.10708), detained in the Central Prison, Coimbatore.

2. The petitioner is the mother of the detenu. It has been stated that the detenu is a convict prisoner undergoing life imprisonment for the past 18 years, at the Central Prison, Coimbatore.

3. It has been further stated that the detenu had come out on parole and had got married. The detenu has a 3 months old child. However, the detenu has not seen his child. Since the naming ceremony for the child would be held on 12.2.2016, the presence of the detenu is necessary, as per the customs being followed by the family of the detenu. Hence, it is necessary for grant of leave to the detenu to be present during the ceremony, to be held on 12.2.2016. Therefore, it has been prayed that the detenu may be granted leave, as prayed for in the Habeas Corpus Petition.

4. Heard the learned counsel appearing for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

5. In view of the submissions made by the learned counsels appearing for the parties concerned and on a perusal of the records available, we are of the considered view that it is not for this Court to grant such leave, as prayed for by the petitioner, in the Habeas Corpus Petition. It is for the petitioner to approach the authorities concerned, in accordance with the relevant Rules, to obtain leave in favour of the detenu, as prayed for by the petitioner. On such representation being made, it is for the authorities concerned to consider the same and to pass appropriate orders thereon. In such view of the matter, we are not inclined to grant the relief, as prayed for by the petitioner. Hence, the Habeas Corpus Petition is dismissed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To:

1. The Secretary to Government of Tamil Nadu
Department of Home
Fort St.George
Chennai - 600 009

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2. The Additional Director General of Prison
C.M.D.A. Towers
Egmore, Chennai - 600 008

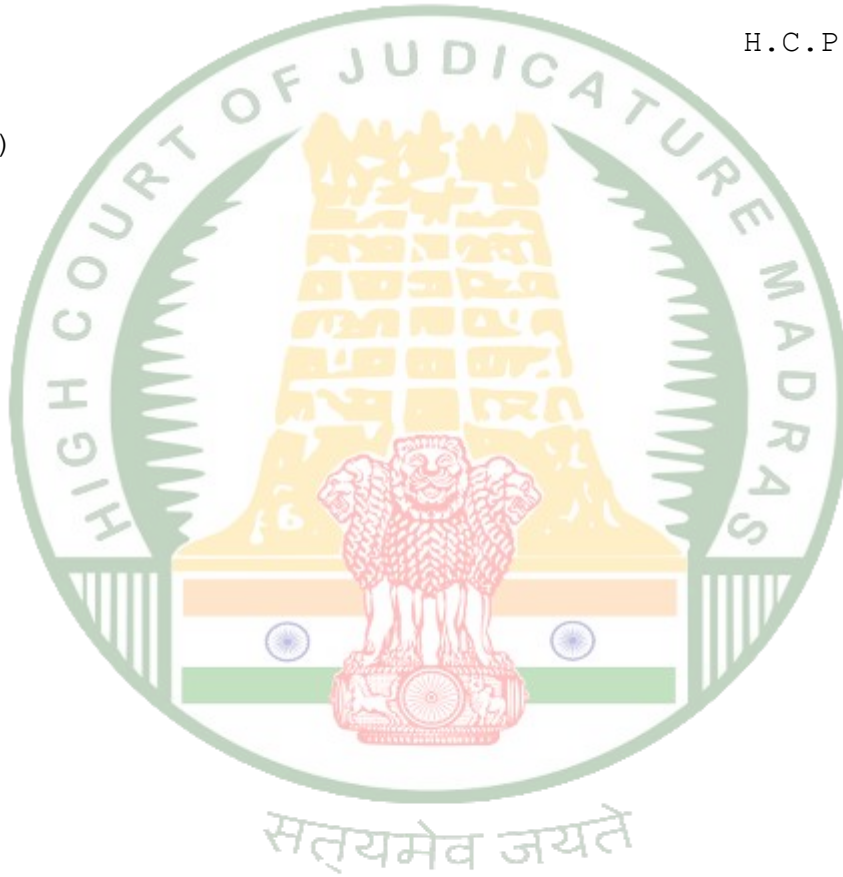
3. The Superintendent
Central Prison
Coimbatore

4. The Public Prosecutor
High Court, Madras

1 cc to Mr.S. Manoharan, Advocate, Sr. 7023

H.C.P.No.161 of 2016

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