

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND

THE HONOURABLE MR.JUSTICE S.BASKARAN

H.C.P.No.2320 of 2016

M.Mathivanan .. Petitioner/Detinue

-vs-

1.The State of Tamil Nadu,
rep.by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The Additional Director General of Police
and Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai-600 008.

3.The Superintendent of Prisons,
Central Prison-I, Puzhal,
Chennai-600 066.

.. Respondents

Petition under Article 226 of the Constitution of India,
for issuance of a Writ of Habeas Corpus, pertaining to the
petitioner / life convict M.Mathivanan, who is detained
illegally after receipt of his petition dated 17.10.2016 and
consequently direct the third respondent to produce the
petitioner / life convict before this Court and release him and
grant leave for a period of 30 days.

For Petitioner :: Mr.G.Ravikumar

For Respondents :: Mr.V.M.R.Rajentren,
Additional Public Prosecutor

ORDER

(Order of the Court was made by S.BASKARAN, J.)

This Habeas Corpus Petition has been filed seeking a
direction to the third respondent to produce the petitioner /
life convict before this Court and release him and grant leave

for a period of 30 days.

2.The petitioner is a life convict undergoing imprisonment from 08.02.2003. According to the petitioner, his wife is to undergo surgery for removal of uterus and she is suspected to be suffering from cancer. In such circumstances, it is stated by the petitioner that his representation to go on leave was not entertained by the Superintendent of Prisons, Puzhal, Chennai. According to the petitioner, it is necessary for him to go on leave to attend on his wife as she has to undergo a major surgery. Hence he has come up with this Habeas Corpus Petition seeking to permit him to go on leave for a period of 30 days.

3.The third respondent has filed a detailed counter stating that the petitioner has already availed ordinary leave and as per Rule 22(3) of the Tamil Nadu Prison Manual Rules, at present he is not eligible for ordinary leave for 30 days.

4.We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State and also perused the entire records, including the counter filed by the third respondent.

5.We find no material against the petitioner / convict in respect of his conduct in the prison. Moreover, it is the contention of the petitioner that his wife has to undergo major surgery. In such circumstances, in the absence of any material before this Court as regards his misconduct in the jail, it will be just and proper to consider the request of the petitioner and to permit him to go on leave to attend on his wife for a period of five days.

6.Accordingly, the following order is passed:

(1)The petitioner / life convict is granted five days leave from 10.00 a.m. on 05.11.2016 till 10.00 a.m. on 10.11.2016, as against 30 days requested by him.

(2)The third respondent shall pass appropriate orders releasing the petitioner, M.Mathivanan, son of Mailan, CT No.530 from the Central Prison-1, Puzhal, Chennai on ordinary leave for five days from 10.00 a.m. on 05.11.2016 till 10.00 a.m. on 10.11.2016.

(3)The third respondent shall impose conditions as per law to be followed by him while he is on leave. The petitioner should abide by all the conditions strictly that would be imposed by the third respondent.

(4)The third respondent is hereby directed to release the petitioner / life convict, at 10.00 a.m. on 05.11.2016, on production of a copy of this order.

(5) It is made clear that the detenu should be brought back and lodged in the Central Prison, Puzhal, Chennai at 10.00 a.m. on 10.11.2016, without fail.

(6) The petitioner should cooperate with the respondent Jail authorities.

(7) It is made clear that the above order is passed only taking into consideration the special circumstance in the case pointed out and this order can never be quoted as a precedent, in future.

7. This Habeas Corpus Petition is ordered in the above terms.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

To

1. The Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2. The Additional Director General of Police
and Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai-600 008.

3. The Superintendent of Prisons,
Central Prison-I, Puzhal,
Chennai-600 066.

4. The Public Prosecutor,
Madras High Court,
Chennai-600 104.

+2 CC to M/s. G. Ravikumar, Advocate Sr.No.62525

H.C.P.No.2320 of 2016

UG (CO)

MD : 04/11/2016