

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and

THE HONOURABLE MR.JUSTICE S.BASKARAN

H.C.P.No.2441 of 2016

Mrs.S.Gowri

... Petitioner

Vs.

- 1.The State represented by the
Secretary to Government
Department of Home (Prison)
Fort St. George, Chennai-9.
- 2.The Director General of Police
Department of Prison
Thalamuthu Building
Egmore, Chennai-8.
- 3.The Superintendent of Prison
Central Prison
Cuddalore, Cuddalore District.
- 4.The Inspector of Police
Vanur Police Station
Villupuram District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the respondents to grant leave to the Detenue, namely, Selvam @ Selvaganapathy, Son of Shanmugam, aged about 42 years, the husband of the petitioner, for a period ten days to take part in 16th day ceremony to be held on 22.11.2016 and 23.11.2016.

For Petitioner : M/s.Ilayaraja Kandasamy

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

ORDER

[Order of the Court was made by M.JAICHANDREN, J.]

Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor, appearing on behalf of the respondents.

2. This petition has been filed by the wife of the detenu, praying that this Court may be pleased to issue a Writ of Habeas Corpus, directing the respondents to grant leave to the Detenu, namely, Selvam @ Selvaganapathy, who has been detained in Central Prison, Cuddalore, to take part in the 16th Day Death Ceremony of his mother, to be held on 22.11.2016 and 23.11.2016, at Radhapuram, Vikravandi Taluk, Villupuram District.

3. It has been stated that mother of the detenu had died on 07.11.2016. The 16th Day Death ceremony of his mother is to be held from 22.11.2016 to 23.11.2016 at Radhapuram Village, Vikravandi Taluk. Therefore, this Court may be pleased to direct the respondents to grant leave to the detenu to attend the said ceremony.

4. The learned Additional Public Prosecutor, appearing on behalf of the respondents has no objection for granting leave to the detenu to attend the 16th Day Death Ceremony of his mother.

5. In view of the urgency and the necessity expressed on the side of the learned counsel, appearing on behalf of the petitioner that the detenu has to attend the 16th Day Death Ceremony of his mother, this Court is of considered view that the presence of the detenu is very much necessary.

6. In view of the above, we pass the following order:

a. The detenu, namely, Selvam @ Selvaganapathy, who is now confined at Central Prison, Cuddalore, is permitted to go on leave from 10.00 a.m. on 22.11.2016 to 4.00 p.m. on 23.11.2016.

b. The Superintendent of Central Prison, Cuddalore, is hereby directed to pass appropriate orders releasing the detenu on leave, as afore stated.

c. The Jail Authorities are directed to release the detenu, namely, Selvam @ Selvaganapathy, on production of a copy of this order.

d. It is made clear that the detenu should be brought back to the Central Prison, Cuddalore, by 4.00 p.m. on 23.11.2016, 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. The expenses relating to the escort shall be borne by the respondents/Government.

f. The detenu shall abide by the conditions to be imposed by the authorities concerned.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rnb

To

- 1.The Secretary to Government
Department of Home (Prison)
Fort St. George, Chennai-9.
- 2.The Director General of Police
Department of Prison
Thalamuthu Building
Egmore, Chennai-8.
- 3.The Superintendent of Prison
Central Prison
Cuddalore, Cuddalore District.
- 4.The Inspector of Police
Vanur Police Station
Villupuram District.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Ilayaraja Kandasamy, Advocate, S.R.No.67207(21.11.16)

H.C.P.No.2441 of 2016

SCD(CO)
CA(18/11/2016)