

In the High Court of Judicature at Madras

Dated: 24.02.2016

Coram:

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

H.C.P.No.284 of 2016

S.Deivanayagam

.. Petitioner

vs.

1. State, rep.by its
The Additional Director General of Prisons,
Gandhi Irwin Road, Egmore,
Chennai-600 008
 2. The Superintendent of Prisons,
Centrral Prison-II, Puzhai,
Chennai-600 066
 3. The Superintendent of Prisons,
Women Central Prison, Puzhal,
Chennai-600 066
- .. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the third respondent to produce body of the petitioner's granddaughter namely S.Manya (aged about 3 1/2 years) before this Court and set her at liberty and consequently, hand over her to the petitioner.

For Petitioner .. Mr.M.Vijayaragavan

For Respondents .. Mr.V.M.R.Rajendran,A.P.P.
for R1 to R3

O R D E R

(The order of the Court was made by M.SATHYANARAYANAN,J.)

The petitioner is the paternal grandfather of the detinue, namely, S.Manya, aged about 3 1/2 years and he has filed this habeas corpus petition alleging that his son and daughter-in-law were arrested in connection with a murder case and at present, they are incarcerated at the Central Prison, Puzhal and the child is also in their custody and hence, the petitioner prays for appropriate orders to hand over the custody of his granddaughter.

2. On the earlier occasion, the learned Additional Public Prosecutor, taking notice on behalf of the respondents, seeks time to get instructions. Hence, the matter is ordered to be posted today.

3. Today, the learned Additional Public Prosecutor has submitted an affidavit of the mother of the detenu, Mrs.S.Suganya, dated 23.02.2016, wherein she has stated that her father-in-law will take care of her daughter and she has also expressed her consent to give the custody of her daughter to the petitioner, who shall take care and custody of her daughter till they are released from the jail. The learned Additional Public Prosecutor has also produced the representation of Mrs.S.Suganya, addressed to the Superintendent of Special Prison for Women, Puzhal, Chennai-66, requesting him to give custody of her daughter, Manya, to the petitioner.

4. In the light of the above facts, this Court directs the Superintendent of Special Prison for Women, Puzhal, Chennai-66, to hand over the custody of S.Manya, aged about 3 1/2 years, daughter of Mr.Saravanan and Mrs.S.Suganya, to the petitioner herein on 27.02.2016 at 11.00 a.m.

5. With the above direction, the habeas corpus petition is closed.
msk

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Additional Director General of Prisons,
Gandhi Irwin Road, Egmore, Chennai-600 008

2. The Superintendent of Prisons,
Centrral Prison-II, Puzhai,
Chennai-600 066

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

4. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.M.Vijayaraghavan, Advocate SR 11459

gj (co)
prk25/2

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