

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.03.2016

CORAM

THE HONOURABLE MR. JUSTICE M.JAICHANDREN

AND

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

HCP.No.372 of 2016

Najideen

..Petitioner

Versus

1. The Superintendent of Prison,
Central Prison-2, Puzhal,
Chennai-66.
2. The Assistant Commissioner of Police,
Ambattur Circle,
Ambattur, Chennai-53. ..Respondents

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 brother, namely, Nazeer Jalaludeen, S/o.Jalaludeen, Remand Prisoner, aged about 36 years, now confined in the Central Prison-2, Puzhal, Chennai-66.

For Petitioner : Mr.M.Radhakrishnan
for M/s.P.Pugalenth

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

ORDER

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

This Habeas Corpus Petition has been filed by the brother of the Remand Prisoner, namely, Nazeer Jalaludeen, son of Jalaludeen, who had been arrested and remanded to judicial custody by the learned Judicial Magistrate, Poonamalee, on 18.07.2014, in connection with a case, in Crime No.746 of 2014, on the file of T.2 Ambattur Estate Police Station and the Remand Prisoner is said to be in the Central Prison No.2, Puzhal, Chennai.

2. It has been stated that the father of the remand prisoner, namely, Jalaludeen, had passed away, on 29.02.2016. Hence, the brother / petitioner herein, has filed the present Habeas Corpus Petition before this Court, seeking permission to release the remand prisoner, namely, Nazeer Jalaludeen, on three days leave to attend the funeral ceremonies of their father.

3. We have heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

4. For the reasons stated in the affidavit filed in support of the petition, we find it appropriate to grant three days leave to the remand prisoner Nazeer Jalaudeen, who is now confined in Central Prison II, Puzhal, Chennai, to attend the funeral ceremonies of his father, namely, Jalaludeen at No.147, Periyar Street, TMP Nagar, Padi, Chennai-50.

5. Accordingly, we pass the following order:-

[a]The Remand Prisoner, namely, Nazeer Jalaludeen, who is now confined in the Central Prison-II, Puzhal, Chennai, is granted LEAVE for a period of three days, i.e., FROM 7.00 p.m. on 01.03.2016 till 6.00 p.m. on 04.03.2016;

[b]The Superintendent of Central Prison-II, Puzhal, Chennai, is hereby directed to pass appropriate orders releasing the Remand Prisoner, granting him three days leave for the aforesaid purpose;

[c]The Jail Authorities are directed to release the Remand Prisoner, namely, Nazeer Jalaludeen, on production of this order;

[d]It is made clear that the Remand Prisoner should be brought back to the Central Prison-II, Puzhal, Chennai, by 6.00 p.m. on 04.03.2016, without fail;

[e]The Jail Authorities during the period of LEAVE, shall provide proper escort to the remand prisoner in order to ensure the safety and security of the remand prisoner. They shall also impose suitable conditions to that effect; and

[f]The remand prisoner should also abide by the conditions to be imposed by the authorities concerned.

The Habeas Corpus Petition is ordered accordingly.

tsi

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Prison,
Central Prison-2, Puzhal,
Chennai-66.
 2. The Assistant Commissioner of Police,
Ambattur Circle,
Ambattur, Chennai-53.
 3. The Public Prosecutor
High Court, Chennai.
- + 1 cc to Mr.P.Pugalenthii, Advocate SR 13108

bvr(co)
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HCP.No.372/2016

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