

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2016

Coram:

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

H.C.P.No.499 of 2016

M.Elisabeth Rani

.. Petitioner

vs.

1. The Chief Secretary to Government,
Chief Secretariat,
No.1, Goubert Avenue,
Puducherry-605 001.
2. The Inspector General of Prisons,
No.1 Mathur Road, Kalapet,
Puducherry-605 014.
3. The Chief Superintendent of Jails,
No.1, Mathur Road, Kalapet,
Puducherry-605 014.
4. The Superintendent of Jails,
No.1 Mathur Road, Kalapet,
Puducherry-605 014.
5. State rep. by the Inspector of Police,
Odiansalai Police Station,
Puducherry State.

.. Respondents

Petition has been filed under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus, directing the 4th respondent, to grant emergency leave for 7 days to S.Manikandan (Life Convict No.4954-Presently serving life sentence at Central Prison, Puducherry), on considering the communication of the petitioner, dated 17.02.2016.

For petitioner
For Respondents

: Mr.R.John Sathyan
: Mr.V.Balamurugan,
Additional Public Prosecutor,
(Puducherry)

O R D E R

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

This Habeas Corpus Petition has been filed by the petitioner-wife of Manikandan, who is a life convict (Life Convict No.4954), undergoing life sentence, in Central Prison, Puducherry, to direct the respondents to grant emergency leave for 7 days, to the said life convict, based on the representation of the petitioner, dated 17.02.2016, to the 4th respondent .

2. The main reason stated by the petitioner, for the grant of leave of 7 days, to the life convict, Manikandan, is that his mother is seriously ill and therefore, there is a necessity for the life convict to visit his mother, namely, Leena, aged about 60 years, living in Puducherry.

3. A counter affidavit has been filed, on behalf of the respondents, stating that a number of cases are pending trial against the life convict and as such, it may not be appropriate for them to allow him to visit his mother, as prayed for, by his wife, the petitioner herein.

4. The learned Additional Public Prosecutor (Puducherry), appearing on behalf of the respondents had stated that there are chances of law and order problem arising in that area, if the life convict Manikandan is permitted to go on leave, in view of the forthcoming Assembly Elections.

5. However, in view of the averments made, in the affidavit filed in support of the Habeas Corpus Petition, we direct the 4th respondent to consider the representation, given by the petitioner, dated 17.02.2016 and pass appropriate orders thereon, within a period of seven days, from the date of receipt of a copy of this Order.

6. With the above direction, the Habeas Corpus Petition is dismissed.

tsi

s/d-

Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To:

1. The Chief Secretary to Government,
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5. The Inspector of Police,
Odiansalai Police Station,
Puducherry State.
6. The Public Prosecutor,
Puducherry.

+ 1 cc to Mr.John Sathyan, Advocate SR 18833

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