

In the High Court of Judicature at Madras

Dated: 27.04.2016

Coram:

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

H.C.P.No.799 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

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents to grant emergency leave for 7 days to S.Manikandan (Life Convict No.4954, Presently serving life sentence at Central Prison-Puducherry), by considering the rejection order passed by the 3rd respondent dated 29.03.2016.

For Petitioner .. Mr.R.John Sathyan
For Respondents .. Mr.V.Balamurugane,
Addl.Public Prosecutor(Pondy)

O R D E R

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

This habeas corpus petition has been filed praying that this Court may pass appropriate orders, directing the respondents to grant emergency leave for 7 days to S.Manikandan (Life Convict No.4954, Presently serving life sentence at Central Prison-Puducherry), to visit his mother, residing at No.104, Fransuva Thoppu, Vanarapettai, Puducherry, by considering the request of the petitioner.

2. The petitioner, who is the wife of Manikandan, son of Sugunaraj, a life convict, bearing Life Convict No.4954, serving life sentence at Central Prison, Puducherry, has stated that the mother of her husband, Manikandan, namely, Leena, aged about 60 years, is ailing from multiple health issues and is seriously ill. It has been stated that the convict has not met her mother, for a number of years. It has also been stated that the representation, dated 17.2.2016, made by the petitioner, had been rejected by the third respondent, without adducing proper reasons. In such circumstances, the petitioner has prayed that her husband, Manikandan, Life Convict, bearing Life Convict No.4954, who is presently undergoing sentence at Central Prison, Puducherry, may be permitted to visit his mother, namely, Leena, residing at No.104, Fransuva Thoppu, Vanarapettai, Puducherry, for a period of two days.

3. A counter affidavit, dated 25.04.2016, had been filed on behalf of the respondents. It has been stated that the representation, made by the petitioner, had been rejected, on 29.3.2016, on the following grounds:

"(i) On verification the Local police has ascertained that, the mother of the life convict is not residing in the said premises in the application, it was also further ascertained that she lives with her daughter.

(ii) It is also reported that, the leave to the life convict is not desirable on account of forth coming election, it will lead to law and order problem.

(iii) It is also seen on records that the behaviour of the life convict inside the prison is not satisfactory."

It has also been stated that Manikandan, the life convict, bearing Life Convict No.4954, is facing trial in several criminal cases as follows:

- 1.104/98 of Grand Bazar Station (Life) dt.05.04.2000.
- 2.159/99 of Orleanpet P.S.(Released)
- 3.422/99 of Grand Bazar Police Station (Bail)
- 4.141/99 of Lawspet Police Station (Bail)
- 5.243/09 of Odiansalai P.S.(7 months merge with life)
- 6.126/08 of Kalapet Police Station (Acquitted)
- 7.140/09 of Rediyarpalayam Police Station (Acquitted)
- 8.172/10 of Odiansalai Police Station (Acquitted)
- 9.289/10 of Mudaliarpet Police Station (Acquitted)
- 10.91/13 of Thavalakuppam P.S.(Acquitted)
- 11.248/12 of Grand Bazar Police Station (Acquitted)
- 12.166/13 of Odiansalai Police Station (Acquitted)
- 13.339/07 of Odiansalai Police Station (Acquitted)
- 14.338/07 of Odiansalai Police Station (Acquitted)
- 15.150/08 of Odiansalai Police Station (Acquitted)
- 16.199/15 of Odiansalai P.S.(Acquitted)
- 17.234/11 of Mudaliarpet Police Station (Trial)
- 18.362/11 of Odiansalai Police Station (Trial)
- 19.289/2010 of Mudaliarpet Police Station (Trial)

Therefore, the request of the petitioner, praying that this Court may be pleased to direct the respondents, to permit her husband Manikandan, Life Convict, to visit his mother, had been rejected.

4. We have heard the submissions of the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the respondents and we have also perused the records available before this Court.

5. In view of the submissions made before this Court, and on a perusal of the records, we are of the considered view that it would be appropriate for this Court to direct the respondents 2 and 3, to take the life convict, Manikandan, bearing Life Convict No.4954, from the Central Prison, Puducherry, to visit his mother, who is said to be residing at No.104, Fransuva Thoppu, Vanarapettai, Puducherry, for two days. Manikandan, the life convict, shall be taken from the Central Prison, Puducherry, at 10.00 a.m., on 29.4.2016, to visit his mother, at No.104, Fransua Thoppu, Vannarapettai, Puducherry,

and he shall be brought back to the Central Prison Puducherry, at 5.00 p.m., on 30.04.2016, by providing necessary security. The expenses incurred for taking the life convict to visit his mother and for being brought back to the Central Prison, Puducherry, shall be borne by the petitioner.

6. The Habeas Corpus Petition stands ordered accordingly.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

msk

To

1. The Chief Secretary to Government,
Chief Secretariat,
No.1, Goubert Avenue,
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2. The Inspector General of Prisons,
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4. The Superintendent of Jails,
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5. The Inspector of Police,
Odiansalai Police Station,
Puducherry State
6. The Public Prosecutor, (Pondy)
High Court, Madras.
7. The Superintendent,
Central Prison, Puducherry.

+1 cc to Mr.R.John Sathyan, Advocate, sr.26248

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kra 28.04.2016