

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2017

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM
AND
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

H.C.P.No.1087 of 2017

Abdul Razak

.... Petitioner

vs.

The State represented by its
1.The Secretary to Government of
Tamil Nadu,
Department of Home,
Fort St.George,
Chennai-600 009.

2.The Additional Director General
of Prison,
C.M.D.A.Towers,
Egmore,
Chennai-6600 008

3.The Superintendent
Central Prison,
Puzhal

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to direct the respondents to grant leave for 30 days to my son, the detenu, A.Ibrahim, convict No.4661, S/o.Abdul Razak, aged about 37 years, detained at Puzhal.

For Petitioner : Mr.S.Manoharan

For Respondents : Mr.V.M.R.Rajentran, Addl.P.P.

ORDER

(Order of the Court was made by A.SELVAM,J.)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the

respondents to grant leave for 30 days to the son of the petitioner, by name, A.Ibrahim (life convict No.4661) on the eve of marriage of his sister.

2.It is averred in the petition that the son of the petitioner, by name, A.Ibrahim, has been sentenced to undergo imprisonment for life and now he has been housed in Central Prison, Puzhal, Chennai and his number is 4661. Further it is averred in the petition that the marriage of the detenu's sister is going to be conducted on 16.07.2017. Further it is averred in the petition that the petitioner has been suffering from paralytic attack. Under such circumstances, the present petition has been filed for getting the relief sought therein.

3.In the counter filed on the side of the respondents it is averred that for granting ordinary leave under the Tamil Nadu Suspension of Sentence Rules 1982, the following grounds are very much essential:

- (i)to make arrangements for the livelihood of his family and for the settlement of life after release;
- (ii)to make arrangement for the admission of the children in the school or college;
- (iii)construction or repairing the homestead;
- (iv)to make arrangements of to participate in the marriage of the prisoner, sons, daughters, full brother or full sisters, as the case may be, of the prisoner.
- (v)settling family disputes like partition, etc;
- (vi)agricultural operations like sowing, harvesting etc; and
- (vii)any other extraordinary reasons

and ultimately prayed to dismiss the petition.

4.The contention put forth on the side of the petitioner is that the marriage of the sister of the detenu is going to be conducted on 16.07.2017 and to that effect, a marriage invitation has also been annexed. In Rule 20 Clause (iv) of the Tamil Nadu Suspension of Sentence Rules, 1982, it is stated that in connection with the marriage of the prisoner, sons, daughters, full brothers and full sisters, ordinary leave can be granted.

5.In the instant case, as pointed out earlier, on the side of the petitioner, necessary documents have been filed for

the purpose of showing that the marriage of the sister of the detenu is going to be conducted on 16.07.2017. Under such circumstances, this Court is inclined to pass the following order:

In fine, this habeas corpus petition is allowed. The third respondent, viz., the Superintendent of Prisons, Central Prison, Puzhal, Chennai, is directed to give leave to the detenu, viz., A.Ibrahim (life convict prisoner No.4661), son of Abdul Razak, from 13.07.2017 to 18.07.2017 on fulfillment of the conditions as stated infra:

(1) The detenu should execute a bond to the tune of Rs.5000/- (Rupees five thousand only) with two sureties each for a like sum to the satisfaction of the third respondent, viz., the Superintendent of Prisons, Central Prison, Puzhal, Chennai.

(2) The third respondent is directed to give adequate police security with a specific condition that the detenu should be produced at 10.00 a.m., on 19.07.2017, without fail.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

msk

To

1.The Secretary to Government of
Tamil Nadu,
Department of Home,
Fort St.George,
Chennai-600 009.

2.The Additional Director General
of Prison,
C.M.D.A.Towers,
Egmore,
Chennai-6600 008

3.The Superintendent of Prison,
Central Prison,
Puzha.

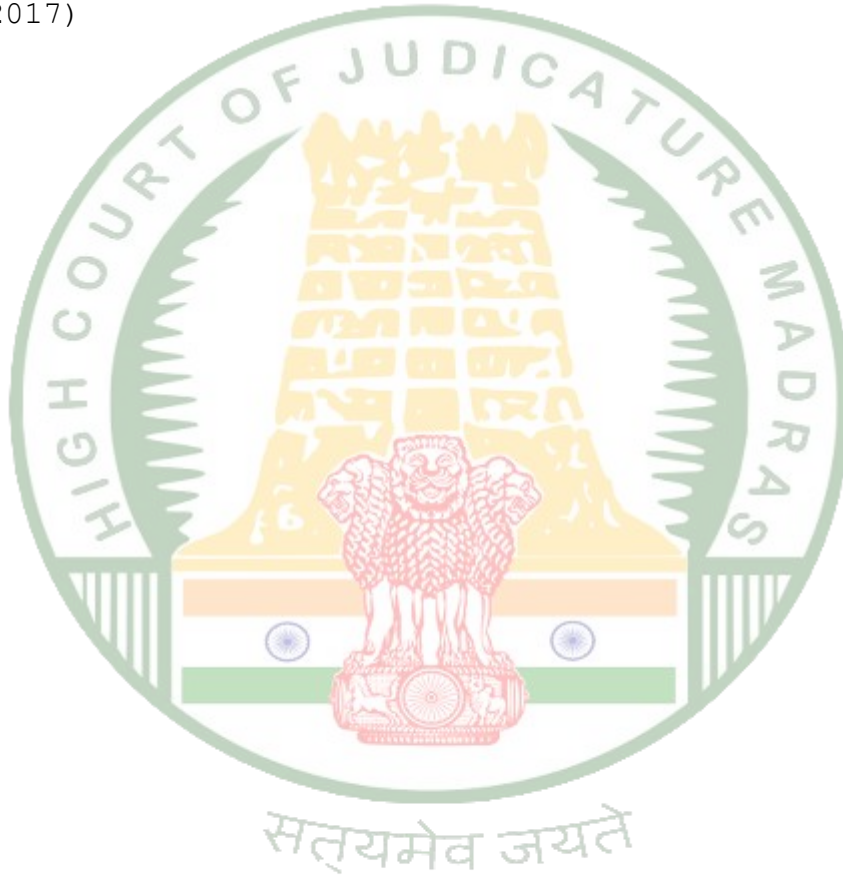
4.The Joint Secretary to Government,
Public(Law and Order),
Fort.St.George, Chennai-9

5.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Manoharan, Advocate SR.No.47822

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NMR (CO)
GN(10/07/2017)



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