

In the High Court of Judicature at Madras

Dated : 09.6.2017

Coram :

The Honourable Mr.Justice NOOTY.RAMAMOHANA RAO

and

The Honourable Mr.Justice S.M.SUBRAMANIAM

Habeas Corpus Petition No.815 of 2017

Devi

...Petitioner

Vs

1.The State of Tamil Nadu, rep. by
its Secretary to Government,
Home, Prohibition and Excise
Department, Fort.St.George,
Chennai-9.

2.The Deputy Inspector General of
Prison, Tamil Nadu Prison
Department, No.6, Venels Road,
Egmore, Chennai-8.

3.The Superintendent of Prison,
Central Prison-I, Puzhal, Chennai. ...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Habeas Corpus and grant
parole from 01.6.2017 to 15.6.2017 to the petitioner's husband
Murugan, S/O Rangasamy, M/A 33 years, who has been convicted by
the learned Fifth Additional Sessions Judge at Chennai in
S.C.No.135 of 2014 dated 09.12.2016 convicting the detenu for
the offence under Section 364(A) read with 149 of the Indian
Penal Code to undergo imprisonment for life and presently lodged
in Central Prison-I, Puzhal at Chennai as a life convict.

For Petitioner :
For Respondents :

Mr.M.Rajavelu
Mr.V.M.R.Rajentren,
Additional Public Prosecutor

ORDER

(Order of the Court was made by NOOTY.RAMAMOHANA RAO,J)

This petition is instituted by the wife of a convict prisoner by name Murugan, S/O Rangasamy (life convict prisoner No.6514), who is now lodged in Central Prison-I, Puzhal, Chennai, seeking leave on emergency grounds for a period of 15 days.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3. The Superintendent of Central Prison filed a counter affidavit bringing that though, as per Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982, emergency leave can be granted for attending to the serious illness of a son or a daughter of a convict prisoner, but however, as per Rule 13 of the same Rules, no such spell of emergency leave can exceed a maximum of 6 days. Since the writ petitioner sought for emergency leave for 15 days, her request was rejected.

4. After hearing the learned counsel for the petitioner as well as the learned Additional Public Prosecutor and after considering Rules 6 and 13 of the said Rules, we are clearly of the opinion that the said Rules enable grant of leave to a convicted prisoner for a maximum period of 15 days in a year. But however, Rule 13 has set out that any such absence of leave in a single spell cannot be for more than 6 days. We feel that the said Rule is framed for ensuring that the convicted prisoners may not exhaust the entire duration of emergency leave at one go or alternatively would also ensure that under no circumstances, the permission to avail the emergency leave will not be misused or abused.

5. In view of the above finding, we are of the opinion that since the young daughter of the convict prisoner and the writ petitioner is advised to undergo surgical correction for tonsillitis, we consider it appropriate that the request of the writ petitioner for granting leave on emergency basis to her convicted husband deserves to be considered.

6. Accordingly, the above habeas corpus petition stands allowed and the convict prisoner by name S.Murugan, S/O Rangasamy (life convict prisoner No.6514), presently lodged at Central Prison-I, Puzhal, Chennai shall be released for a period of five days commencing from 10.6.2017 to be re-lodged before 5 PM on 14.6.2017, subject to other usual undertakings to be furnished by the convict to the Superintendent of Prison and

also, if necessary, by the writ petitioner and also subject to one Police Constable escorting him.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government of Tamil Nadu, Home,
Prohibition and Excise
Department, Fort.St.George, Chennai-9.

2.The Deputy Inspector General of Prison,
Tamil Nadu Prison Department,
No.6, Venels Road, Egmore, Chennai-8.

3.The Superintendent of Prison, Central Prison-I,
Puzhal, Chennai.

4.The V Additional Sessions Judge,

5.The Additional Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Rajavelu Advocate sr 41023

HCP.No.815 of 2017

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