

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2018

CORAM:

THE HON'BLE MR.JUSTICE M.VENUGOPAL
AND
THE HON'BLE MRS.JUSTICE M.NIRMAL KUMAR

H.C.P.No.1087 of 2018

S.Parijan

.... Petitioner

vs.

The State, rep.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-600 008

3. The Superintendent,
Central Prison,
Kovai

.... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to direct the First Respondent to grant Leave at least for 30 days to Petitioner's Husband, the Detenu, Shahul Hameed, aged about 46 years, Convict No.18818, detained at Central Prison, Kovai.

For Petitioner : DR.S.Manoharan

For Respondents : Mr.R.Pratap Kumar
Additional Public Prosecutor

ORDER

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

Heard the Learned Counsel for the Petitioner and the Learned Additional Public Prosecutor for the Respondents.

2.The Third Respondent/The Superintendent of Central Prison, Coimbatore, on 15.5.2018, had passed an Order of Rejection in respect of the Detenu/Shahul Hameed (Convict No.18818). The Petitioner being the wife of the aforestated Life Convict, in the present Habeas Corpus Petition, has not assailed the rejection Order dated 15.05.2018, passed by the Third Respondent/Superintendent of Central Prison, Coimbatore.

3.In this connection it is to be pointed out that in a pending case, as per Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1982, no prisoner on whom a case is pending Trial shall be granted Leave. Admittedly, S.C.No.9 of 2003 is pending against the Detenu/Shahul Hameed, on the file of the Special Court under the National Investigation Agency Act, 2008 (Sessions Court for Exclusive trial of Bomb Blast Cases), Chennai, at Poonamallee, Chennai-56. Hence, the present Habeas Corpus Petition filed praying for passing of an order by this Court to direct the First Respondent to grant 30 days Leave to the husband of the Petitioner, viz., Shahul Hameed (Life Convict No18818) is not maintainable. As such, the present Habeas Corpus Petition is closed, granting liberty to the Petitioner to file a fresh Habeas Corpus Petition, assailing the Rejection Order dated 15.05.2018, passed by the Third Respondent/Superintendent of Central Prison, Coimbatore, if she so desires/advised.

s/d-
Assistant Registrar(CS VIII)

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,
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3. The Superintendent,
Central Prison,
Coimbatore.

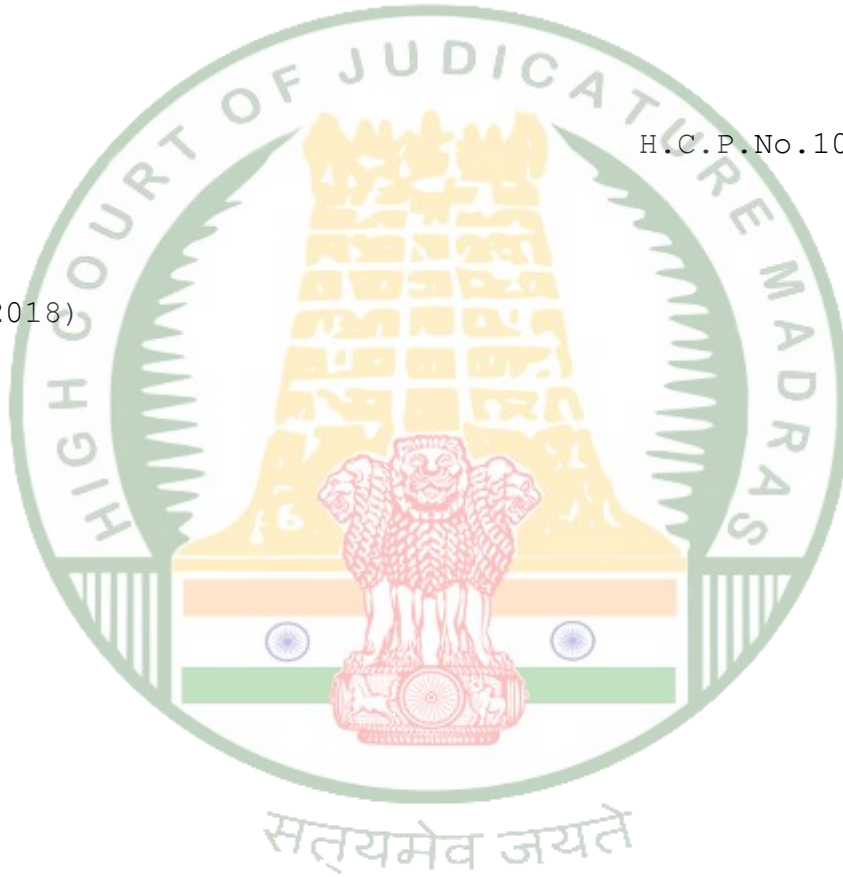
3. The Public Prosecutor,
High Court, Madras

Copy to

The Sessions Court for Exclusive trial or Bomb Blast Cases
Chennai at Poonamallee
Chennai 56.

H.C.P.No.1087 of 2018

AK(CO)
SP(19/06/2018)



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