

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 26.06.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

H.C.P. NO. 1213 OF 2018

Shamma

... Petitioner

- Vs -

1. The State, rep. by its
The Secretary to Govt. of T.N.
Dept. of Home
fort St. George, Chennai.
2. The Addl. Director General of Prison
CMDA Towers, Egmore, Chennai.
3. The Superintendent
Central Prison, Kovai.

... Respondents

Petition filed for the issuance of a writ of habeas corpus directing the 1st respondent to call for the records pertaining to the impugned order G.O. (RT) No.282 issued by the 1st respondent dated 20.04.2018 and to quash the same and to grant leave for 30 days to the detenu, Aslam, S/o. Jainulapudin, aged about 43 years Convict No.18819 detained at Central Prison Kovai.

For Petitioner : Ms. S.Lakshmi

For Respondents : Mr. R.Prathap Kumar, APP

ORDER

(DELIVERED BY DR. S.VIMALA, J.)

This petition has been filed by the wife of the detenu seeking to call for the records relating to the impugned G.O. Dated 20.4.18 passed in G.O. No.282 and quash the same and further direct the 1st respondent to grant leave for 30 days to the detenu Aslam, S/o. Jainulapudin, aged about 43 years Convict No.18819 detained at Central Prison Kovai.

2. Heard Ms.S.Lakshmi, learned counsel appearing for the petitioner and Mr.R.Prathap Kumar, learned Addl. Public Prosecutor appearing for the respondents.

3. From a perusal of the records it is seen that the 1st respondent has, in the order, specifically mentioned that the detenu herein has been convicted under Section 302 IPC in connection with the murder of one Jayaprakash, Assistant Jailor of Central Prison, Madurai, along with three other prisoners during the year 1997. Thereafter, also, there are two pending cases against the detenu to be conducted by the Sessions Court for Exclusive Trial of Bomb Blast Cases, Chengalpet at Poonamallee in C.C. No.7/2014 and C.C. No.1068/2010. After considering the antecedents of the detenu along with all the relevant details, the request for parole has been rejected.

4. It is further evident from the typed set of documents that the earlier Division Bench of this Court, by order dated 23.4.2018, has dismissed the earlier habeas corpus petition filed on behalf of the detenu as infructuous, however with liberty to them to challenge the order in a manner known to law.

5. In the above backdrop, the present petition has been filed. This Court, on an overall view of the entire factual matrix, including the order passed by the earlier Division Bench, is of the considered view that the Government, after careful consideration has passed the order rejecting the request of the petitioner for parole to the detenu. The order, in no way, can be termed to be arbitrary or illegal. The petitioner, exercising her right, has chosen to challenge the impugned order by filing the present petition. However, on a careful scrutiny, as detailed above, the order passed by the respondents is in accordance with law and the relief sought for by the petitioner is misconceived.

6. For the reasons aforesaid, this habeas corpus petition is devoid of merits and, accordingly, the same is dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Secretary to Government
Government of Tamil Nadu
Home, Prohibition & Excise Dept.
Fort St. George, Chennai 600 009.
2. The Addl. Director General of Prison
CMDA Towers, Egmore, Chennai.
3. The Superintendent of Police
Central Prison, Kovai.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Ms. S.Lakshmi , Advocate, S.R.No. 40810

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SVN(CO)
BM 11/07/2018



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